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THE

CHARTER

OF THE

CITY OF BROOKLYN,

AND THE

SPECIAL LAWS RELATING THERETO;

TOGETHER WITH THE

ORDINANCES

FOR THE GOVERNMENT OF THE CITY.

PUBLISHED BY ORDER OF THE COMMON COUNCIL.

BROOKLYN:
GEORGE C. BENNETT.
1857.

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PREFACE.

The Common Council having entrusted to the undersigned the arranging of the Charter and laws relating to the City of Brooklyn, for publication, he has incorporated in the Charter, as now published, the alterations made by subsequent legislation, and has added to it those laws which relate to the powers and duties of the Common Council and of the City Officers, and which are not included in the Act of Incorporation. A list of all the most important laws, whether obsolete or in force, affecting the former cities of Brooklyn and Williamsburgh, and town of Bushwick, and the city as now constituted by the union of the three, is also subjoined.

The further duty was at the same time committed to the undersigned, of revising the ordinances of the City. In performing this portion of his labors, he found it necessary, in consequence of the complete change which had taken place in the legislative powers of the Common Council since the city laws proposed to be revised were adopted, to prepare an entirely new body of ordinances. They have accordingly been rewritten, in view of the provisions of the present Charter and laws. Advantage was taken of this circumstance to introduce a system of codification, similar to that adopted in the revision of the statutes of the State, thereby simplifying the arrangement, and condensing the provisions of the ordinances into a few chapters.

HENRY C. MURPHY.

Brooklyn, *July* 20, 1857.

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CHARTER

AND

SPECIAL LAWS.

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CHARTER.

AN ACT

TO CONSOLIDATE THE CITIES OF BROOKLYN AND WILLIAMSBURGH AND THE TOWN OF BUSHWICK INTO ONE MUNICIPAL GOVERNMENT, AND TO INCORPORATE THE SAME.

PASSED APRIL 17, 1854, THREE-FIFTHS BEING PRESENT.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

BOUNDARIES OF WARDS.

Boundaries.

SECTION 1. All that part of the County of Kings at present known as the cities of Brooklyn and Williamsburgh and the town of Bushwick, and which is bounded easterly by the town of Newtown, Queens county, south by the towns of New Lots, Flatbush and New Utrecht, and west by the town of New Utrecht and the bay of New York, and north by the East river, shall be united into one municipal corporation, to be known and called the City of Brooklyn.

First ward.

§ 2. The First ward of the said city shall comprise the following district, viz: Beginning at a point on Atlantic

street where the center lines of Atlantic and Hicks streets intersect each other, and running thence westerly along the center of Atlantic street and a line in continuation thereof to the East river; thence northeasterly along the East river to a point opposite the center of Fulton street, or a line in continuation thereof; thence southeasterly along the center of Fulton street to the center of Hicks street; and thence southerly along the center of Hicks street to the place of beginning.

Second ward.

§ 3. The Second ward of said city shall comprise the following district, viz: Beginning at a point on the East river at the center line of Fulton street continued, and running thence southeasterly along the center of Fulton street to a point opposite the center of Sands street; thence easterly along the center of Sands street to the center of Bridge street; thence northerly along the center of Bridge street and a line in continuation thereof to the East river; and thence westerly along the East river to the place of beginning.

Third ward.

§ 4. The Third ward of said city shall comprise the following district, viz: Beginning at a point on Fulton street where the center lines of Fulton street and Hicks street intersect each other, and running thence southeasterly along the center of Fulton street and Fulton avenue to the center of Boerum street; thence southerly along the center of Boerum street to the center of Atlantic street; thence westerly along the center of Atlantic street to the center of Hicks street; and thence northerly along the center of Hicks street to the place of beginning.

Fourth ward.

§ 5. The Fourth ward of the said city shall comprise the following district, viz: Beginning at a point where the center lines of Sands street and Fulton street intersect each other, and running thence easterly along the center of Sands street to the center of Bridge street; thence southerly along the center of Bridge street to the center of Ful-

ton avenue; and thence northwesterly along the center of Fulton avenue and Fulton street to the place of beginning.

§ 6. The Fifth ward of said city shall comprise the following district, viz: Beginning at a point where the center lines of Bridge street and Johnson street intersect each other, and running thence easterly along the center of Johnson street to the center of Navy street; thence northerly along the center of Navy street to the northerly side of Nassau street; thence easterly along Nassau street to the southwesterly corner of the United States Navy Yard; thence northerly, northwesterly and northeasterly along the United States Navy Yard to the East river; thence westerly along the East river to a point on the continuation of the center line of Bridge street; thence southerly along the center of Bridge street to the place of beginning. Fifth ward.

§ 7. The Sixth ward of said city shall comprise the following district, viz: Beginning on the East river, at the center of Atlantic street; thence easterly along the center of Atlantic street to the center of Court street; thence along the center of Court street to the center of Fourth place; thence westerly along the center of Fourth place to the center of Henry street; thence southeasterly along the center of Henry street to the center of Coles street; thence westerly along the center of Coles street to the center of Hamilton avenue; thence along the center of Hamilton avenue to the East river; thence along the East river to the place of beginning. Sixth ward.

[§ 8. The Seventh ward shall comprise the following district, viz: Beginning at a point formed by the intersection of the center line of Bedford and Flushing avenues, running thence southerly along the center line of Bedford avenue to the center line of Atlantic avenue; thence westerly along the center line of Atlantic avenue to the center line of Washington avenue; thence northerly along the Seventh ward.

center line of Washington avenue to the center line of Flushing avenue; thence easterly along the center line of Flushing avenue to the point of beginning.]*

Eighth ward.

§ 9. The Eighth ward of said city shall comprise the following district, viz: Beginning at a point where the center lines of Flatbush avenue and Fifth avenue intersect, and running thence southeasterly along the center of Flatbush avenue to the line of the town of Flatbush; thence southwesterly along said Flatbush line to the line of the town of New Utrecht; thence souhtwesterly along said line, crossing a highway called Martense's lane; thence southwesterly along said line to the southerly boundary of said city of Brooklyn; thence northwesterly along the line of New Utrecht to the bay of New York; thence northeasterly along the said bay and along Gowanus bay to the center line of First avenue; thence northeasterly along the center of First avenue to the center of Fifth street; thence southeasterly along the center of Fifth street to the center of Second avenue; thence northeasterly along the center of Second avenue to First street; thence southeasterly along the center of First street to Fifth avenue; thence northerly along the center of Fifth avenue to the place of beginning.

Ninth ward.

[§ 10. The Ninth ward of said city shall comprise the following district, viz: Beginning at a point where the center lines of Atlantic street and Flatbush avenue intersect each other, and running thence southeasterly along the center of Flatbush avenue to the line of the town of Flatbush; thence easterly along said line and along the line of the town of New Lots to the center of Division avenue; thence northwesterly along the center of Division avenue to the center of Flushing avenue; thence westerly along the center of Flushing avenue to the center of Bedford

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* As amended. Laws of 1856, Chap. 80.

avenue; thence southerly along the center of Bedford avenue to the center of Atlantic avenue; thence westerly and northwesterly along the center of Atlantic street and Atlantic avenue to the place of beginning.]*

Tenth ward.

§ 11. The Tenth ward of said city shall comprise the following district, viz: Beginning at a point formed by the intersection of the center of Boerum and Fulton streets; thence easterly along the center of Fulton street and Fulton avenue to the intersection of Fulton avenue and Flatbush avenue; thence southerly along the center of Flatbush avenue to the center of Fifth avenue; thence southerly along the center of Fifth avenue to the center of First street; thence northwesterly along the center of First street to the center of Second avenue; thence southwesterly along the center of Second avenue to the center of Fifth street; thence westerly along the center of Fifth street to the center of Smith street; thence southerly along the center of Smith street to the center of Fourth place; thence westerly along the center of Fourth place to the center of Court street; thence along the center of Court street to the center of Atlantic street; thence along the center of Atlantic street to the center of Boerum street; thence northeasterly along the center of Boerum street to the place of beginning.

Eleventh ward.

§ 12. The Eleventh ward of said city shall comprise the following district, viz: Beginning at a point where the center lines of Fulton avenue and Bridge street intersect each other; thence running northerly along the center of Bridge street to the center of Johnson street; thence easterly along the center of Johnson street to the center of Navy street; thence northerly along the center of Navy street to the center of Nassau street; thence easterly along

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* As amended. Laws of 1856, Chap. 80.

Nassau street to the southeasterly corner of the United States navy yard; thence northerly along the same to the East river; thence easterly along the East river and the Wallabout bay to the center of Washington avenue, or a line in continuation thereof; thence southerly along the center of Washington avenue to the center of Atlantic avenue; thence westerly and northwesterly along the center of Atlantic avenue and Atlantic street to a point where the central lines of Atlantic street and Flatbush avenue intersect each other; thence northwesterly along the center of Flatbush avenue to the center of Fulton avenue, and from thence westerly along the center of Fulton avenue to the place of beginning.

Twelfth ward.

§ 13. The Twelfth ward of said city shall comprise the following district, viz: Beginning in the East river on the center line of Hamilton avenue; thence southerly along the center of Hamilton avenue to the center of Coles street; thence southeasterly along the center of Coles street to the center of Henry street; thence northerly along the center of Henry street to the center of Fourth place; thence southeasterly along the center of Fourth place to the center of Smith street; thence northerly along the center of Smith street to the center of Fifth street; thence southeasterly along the center of Fifth street to the center of First avenue; thence southwesterly along the center of First avenue to Gowanus bay; thence along the Gowanus bay and East river to the place of beginning.*

Thirteenth ward.

§ 14. The Thirteenth ward of said city shall comprise the following district, viz: Beginning at the permanent

* By Laws of 1857, Chap. 13, six lots lying in the Twelfth ward, on the south pier of the Atlantic Dock Company, numbered 53, 54, 55, 56, 57, and 58, on the map of the property of that Company, surveyed September, 1841, by Willard Day, are ceded to the United States whenever the United States shall acquire the title thereto, subject to the jurisdiction of the State for the service of civil and criminal or other process.

water line on the easterly side of the East river, where the same would be intersected by the dividing line between the cities of Brooklyn and Williamsburgh; thence running in an easterly direction along the said dividing line to the center of Ninth street and its intersection with said line; thence in a northeasterly direction along the center of Ninth street to the center of the intersection of Ninth and Grand streets; thence in a northwesterly direction along the center of Grand street to the permanent line of the East river; thence southwesterly along the permanent line of the East river to the dividing line between the cities of Brooklyn and Williamsburgh, the place of beginning.

Fourteenth ward.

§ 15. The Fourteenth ward of said city shall comprise the following district, viz: Beginning at the easterly permanent line of the East river, where the same would be intersected by a line drawn through the center of Grand street; thence running in a southeasterly direction along the center of Grand street to the center of the intersection of Grand and Ninth streets; thence in a northeasterly direction along the center of Ninth street to the center of the intersection of North-Second and Ninth streets; thence in an easterly direction along the center of North-Second street to the center of the intersection of North-Second street and Union avenue; thence in a northerly direction along the center of Union avenue to the center of the intersection of Union avenue by Fifth street; thence in a northeasterly direction along the center of Fifth street to the center of the intersection of North-Fourteenth street by Fifth street; thence in a northwesterly direction along the center of North-Fourteenth street to the center of the intersection of North-Fourteenth and First streets; thence in a southwesterly direction along the center of First street to the center of the intersection of First and North-Thirteenth streets; thence in a northwesterly direction along the center of North-Thirteenth street to the easterly

permanent line of the East river; thence in a southwesterly direction along the easterly permanent line of the East river to the center of Grand street, the place of beginning.

Fifteenth ward.

§ 16. The Fifteenth ward of said city shall comprise the following district, viz: Beginning at the center of the intersection of South-Second and Ninth streets; thence running in a southeasterly direction along the center of South-Second street to the center of the intersection of South-Second street by Union avenue; thence in a northerly direction along the center of Union avenue to the center of the intersection of Wyckoff street by Union avenue; thence in an easterly direction along the center of Wyckoff street to the center of the intersection of Wyckoff street and Bushwick avenue; thence in a northwesterly direction along the center of Bushwick avenue to the center of the intersection of Bushwick avenue and North-Second street; thence in a westerly direction along the center of North-Second street to the center of the intersection of North-Second street and Smith street; thence in a northerly direction along the center of Smith street to the center of the intersection of Smith street and Richardson street; thence in a westerly direction along the center of Richardson street to the center of the intersection of Richardson and Leonard streets; thence in a northerly direction along the center of Leonard street to the center of the intersection of Leonard and Van Pelt streets; thence in a westerly direction along the center of Van Pelt street to the center of the intersection of Van Pelt street by Fifth street; thence in a southwesterly direction along the center of Fifth street to the center of the intersection of Union avenue by Fifth street; thence in a southerly direction along the center of Union avenue to the center of the intersection of Union avenue and North-Second street; thence in a westerly direction along the center of North-Second street to the center of the intersec-

tion of Ninth street by North-Second street; thence in a southwesterly direction along the center of Ninth street to the center of the intersection of Ninth and South-Second streets, the place of beginning.

Sixteenth ward.

§ 17. The Sixteenth ward of said city shall comprise the following district, viz: Beginning at the intersection of Ninth street and the dividing line between the cities of Brooklyn and Williamsburgh; thence running in a southeasterly direction along the said dividing line to the intersection with the center of the Brooklyn and Newtown turnpike; thence in an easterly direction along the center of said turnpike to the center of its intersection with Bushwick avenue; thence in a northerly, northwesterly and northeasterly direction along the center of Bushwick avenue to the center of the intersection of Wyckoff street and Bushwick avenue; thence westerly along the center of Wyckoff street to the center of the intersection of Wyckoff street by Union avenue; thence in a southerly direction along the center of Union avenue to the center of the intersection of South-Second street by Union avenue; thence in a northwesterly direction along the center of South-Second street to the center of the intersection of South-Second and Ninth streets; thence in a southwesterly direction to the center of the intersection of Ninth street and the dividing line between the cities of Brooklyn and Williamsburgh, the place of beginning.

Seventeenth ward.

§ 18. The Seventeenth ward of said city shall comprise the following district, viz: Beginning at the easterly permanent line of the East river, where the same would be intersected by a line drawn through the center of North-Thirteenth street; thence running in a southeasterly direction along the center of North-Thirteenth street to the center of the intersection of North-Thirteenth and First streets; thence northeasterly along the center of First street to the center of the intersection of North-Fourteenth

and First streets; thence in a northeasterly direction, along the center of North-Fourteenth street to the center of the intersection of North-Fourteenth street by Fifth street; thence along the center of Fifth street, in a northeasterly direction, to the center of the intersection of Van Pelt street by Fifth street; thence in an easterly direction along the center of Van Pelt street to the center of the intersection of Van Pelt and Leonard streets; thence in a southerly direction, along the center of Leonard street to the center of the intersection of Leonard and Richardson streets; thence in an easterly direction along the center of Richardson street to the center of the intersection of the Newtown turnpike (or North road) by Richardson street; thence in a northeasterly direction along the center of the Newtown turnpike, in all its turnings, to the center of the Newtown creek; thence in a northwesterly direction along the center of Newtown creek, in all its meanderings, to the permanent line of the East river to a point where the permanent line of the East river would intercept the center of Newtown creek, if contiuued; thence along the easterly permanent line of the East river in a southerly direction to the center of North-Thirteenth street, to the place of beginning.

Eighteenth ward.

§ 19. The Eighteenth ward of said city shall comprise the following district, viz: Beginning at the center of the intersection of Richardson street and Newtown turnpike; thence running in a northeasterly direction along the center of Newtown turnpike to the center of Newtown creek; thence in a southeasterly direction along the center of Newtown creek to the intersection of the center of the Williamsburgh and Jamaica turnpike; thence in a southeasterly direction to a certain rock called "Arbitration rock;" thence south twenty-seven degrees east one hundred and fifty-five chains to a heap of stones; thence in the same direct line, until it is intersected by the west-

erly line of the town of New Lots; thence in a southerly direction along said last mentioned line to the northerly line of the present city of Brooklyn; thence northwesterly along said last mentioned line, and along the center of Division avenue, to the center of the intersection of Division and Flushing avenues; thence easterly along the center of Flushing avenue to the center of the intersection of Flushing and Bushwick avenues; thence in a northerly, northwesterly and northeasterly, and again northwesterly direction, along the center of Bushwick avenue, to the center of the intersection of Bushwick avenue and North-Second street; thence westerly along the center of North-Second street to the center of the intersection of North-Second and Smith streets; thence northerly along the center of Smith street to the center of the intersection of Smith street and Richardson street; thence along the center of Richardson street to the place of beginning.

Nineteenth ward.

[§ 20. The Nineteenth ward shall comprise the following district, viz: Beginning at a point formed by the intersection of the center line of Division avenue with the center line of Flushing avenue; running thence westerly along the center line of Flushing avenue to the center line of Washington avenue; thence northerly along the center line of Washington avenue to the Wallabout bay; thence northeasterly along the Wallabout bay to the line dividing the late cities of Brooklyn and Williamsburgh; thence easterly along the said last mentioned line to the center line of South-Sixth street; thence easterly again, along the center line of South-Sixth street to the center line of Division avenue; and thence easterly again along the center line of Division avenue to the point of beginning.]*

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* A new ward. Laws of 1856, Chap. 80.

Wards to be towns.

§ 21. [Sec. 20.] The said several wards of the said city, except as otherwise provided in this act, shall be considered, and are hereby declared to be, towns of the county of Kings.

TITLE II.

OF THE COMMON COUNCIL.

Common council.

SECTION 1. The legislative power of said corporation shall be vested in a mayor and a board of aldermen, who together shall form the common council.

Board of aldermen.

[§ 2. The board of aldermen shall, on and after the first Monday of May, eighteen hundred and fifty-eight, consist of one alderman to be elected from each ward as hereinafter prescribed.]*

Qualification.

§ 3. Every alderman shall, at the time of his election, be an elector of the ward in which he shall be chosen, and shall have been a resident of the city for at least three years immediately previous thereto.

[§ 4. There shall be elected at a charter election to be holden on the first Tuesday in April, eighteen hundred and fifty-eight, one alderman from each ward, whose term of office shall be as follows:

1. Those elected from the wards with odd enumerations shall constitute the first class, and this class shall hold office until the first Monday of May, eighteen hundred and fifty-nine.

2. Those elected from the wards with even enumerations shall form the second class, and this class shall hold office until the first Monday of May, eighteen hundred and sixty.

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* As amended. Laws of 1857. April 6.

All aldermen elected at any subsequent election to fill the vacancies occasioned by the expiration of the terms of either class, as aforesaid, shall hold their offices for the term of two years, or until their successors have been elected and have qualified. And the term of office of the members of the present board of aldermen shall expire on the first Monday of May, eighteen hundred and fifty-eight.]*

[§ 5. The alderman in each ward shall have the power, by contract duly made with the lowest bidder, whose security shall be approved by the mayor, to cause the streets in his ward to be cleaned, and to cause the wells and pumps to be repaired, and the expense thereof shall be a charge upon such ward only. In the performance of this duty he may require the services of the commissioner of repairs and supplies.]†

Common council. terms of office.

§ 6. The members of the common council shall, unless removed for cause, hold office until their places are supplied by the election of new members, who shall have qualified in the manner provided by this act. In case any alderman shall, after his election or during his term of office, remove out of the ward in which he shall have been elected, his office shall be deemed vacant, and he shall no longer act as an alderman. They may also resign their respective offices at any time by filing written notices thereof with the city clerk, and publishing a copy of such notice in the corporation newspapers; and the common council shall have power to direct a special election to supply any vacancy that may occur, but the person so elected shall hold office only for the residue of the term so vacated.

Vacancy, how filled.

Clerk.

§ 7. The common council shall appoint a clerk, who shall perform such duties as may be prescribed for him.

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* As amended. Laws of 1857. April 6.

† Ibid.

The clerk so appointed shall also be the city clerk, and hold his office one year, unless removed for cause; and by consent of the common council he may appoint an assistant clerk, for whose acts he shall be responsible.

Quorum.

§ 8. A majority of aldermen elected shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absent members.

President of common council.

§ 9. The common council shall annually elect a president from its own body, and in his absence a president for the time being, choose officers, appoint its times and places of meeting, determine the rules of its own proceedings, be the sole judge of the qualifications of its members, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules, or declare his seat vacated by reasons of absence, provided such absence be continued for the space of two months. But no expulsion shall take place except by the vote of two-thirds of all the members elected, nor until the delinquent member shall have an opportunity to be heard in his defence.

Ordinances, how passed.

§ 10. Every ordinance or resolution of the common council shall, before it takes effect, be presented, duly certified, to the mayor, and the approval of the minutes by the common council shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor. If he approve of it, he shall sign it; if not, he shall return it with his objections, and file it with the clerk within ten days after he received it; the said board shall, at its first regular meeting thereafter, enter the objections at length on its journal, and cause said objections to be published in the corporation newspapers, after which publication it shall proceed to reconsider the same, and if two-thirds of all the members elected shall then agree to pass the same, it shall take effect as a law; but in every such case the votes shall be taken by ayes and noes, and entered on

the journal. And if such ordinance or resolution shall not be returned by the mayor, within ten days after he has received it, it shall become a law in like manner as if he had signed it. But no such ordinance or resolution shall take effect, in any sense, until the day following the next regular meeting of the board, except by unanimous consent of the board; in which case it shall take effect upon its being approved by the mayor.

Publication of receipts and expenditures.

§ 11. The common council shall at least once a year, not more than thirty nor less than twenty days before the annual election, publish in such of the newspapers printed in the city as they shall designate, a full statement of all the receipts and expenditures of every description of the fiscal year ending on the thirty-first day of August preceding such statement, including all the moneys which have passed through the hands of the comptroller or treasurer for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the common council, the objects for which the same were made, and the sums expended for each; also any moneys borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purposes to which they were applied, and how much of the same or other city indebtedness has been paid, and by what means. The statement shall also include a detailed account of the city property, existing debts of every description, and the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city, showing also the relative indebtedness and property of the portions of said city formerly included in the cities of Brooklyn, Williamsburgh, and the town of Bushwick.

Stated meetings.

[§ 12. The common council shall hold stated meetings,

commencing on the first Monday of May; but the mayor, or in his absence any three aldermen, may call special meetings, by notice to each of the members of said council, served personally or left at his usual place of abode.]*

Special powers.

§ 13. The common council shall have power within said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws or the following purposes:

Finances.

1. To manage and regulate the finances and property, real and personal, of the city.

Wharves.

2. To regulate the wharves, piers and slips owned by the city, and direct the affairs thereof.

Police.

3. To establish and regulate a day and night police and fire departments of the city, within the limits prescribed by law, and to define and regulate the duties and powers of firemen and police.

Licenses

4. To license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers; and all railroad cars running on any railroad established since January first, eighteen hundred and fifty-three; carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind (or to authorize the mayor to grant such licenses, and to require the owners to mark the same in such manner as the common council shall designate;) weights and measures, surveyors, common cryers, hawkers, pedlers, pawnbrokers, junk shop keepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in either of such capacities.

Hay

5. To prescribe the places of selling hay, straw, and other articles from wagons or other vehicles.

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* As amended. Laws of 1857. April 6.

6. To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places, times and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling without license. Markets.

7. To restrain and regulate the running at large of cattle, horses, sheep, swine, geese or other animals, and to authorize and regulate the impounding and sale of the same for the penalty incurred and cost of proceedings, and to pass ordinances authorizing the destruction of dogs. Cattle and swine.

8. To regulate or prohibit the keeping of cows, swine and other animals. Cows.

9. To prohibit and abate all nuisances. Nuisances.

10. To regulate and prohibit the flying of kites or any other practice having a tendency to frighten animals or to annoy persons passing in the streets or on the side-walks in said city. Kites.

11. To regulate or prohibit swimming or bathing in the waters of or bounding the city. Bathing.

12. To prevent horse-racing and immoderate driving in said city, and to authorize the stopping of any one who shall be guilty of so doing. Racing.

13. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase land for public burial places, direct the keeping and returning of bills of mortality, and to establish such regulations for conveying the dead through the streets of said city as the health, quiet and good order of the city may, in their opinion, require, or to prohibit the same entirely, if necessary. Burials.

14. To prohibit or regulate the keeping and conveying of gunpowder and other dangerous material, to provide for Gunpowder.

the forfeiture of the same, and the use of candles and lights in barns, stables and other buildings.*

Disorderly houses, and gaming.

15. To suppress and restrain disorderly houses and houses of ill-fame, gaming tables, ball alleys, the playing of cards or games of chance in places where liquor is sold to be drank, to destroy all instruments or devices employed in gaming, and to restrain and punish vagrants, mendicants, street beggars and common prostitutes.

Exhibitions.

16. To prohibit or regulate the exhibitions of common showmen, or of curiosities or other public exhibitions tending to create or encourage idleness and immorality.

Obstruction of streets.

17. To prevent and remove obstructions and incumbrances in and upon all wharves, streets and public places, and the throwing of dirt, filth or rubbish on or from the same into the water adjoining; to direct and regulate the planting, rearing, trimming and preserving of ornamental and shade trees in the streets, parks and grounds of the city; to enforce the removal of snow, ice or dirt from the sidewalks and gutters, and to direct the sweeping and cleaning of streets by the persons owning or occupying the premises fronting thereon.

Duties of officers.

18. To prescribe and define the duties of all officers appointed under this act, not otherwise prescribed for by law.

Drinking houses.

19. To regulate victualling houses or cellars, gardens and other places where ardent spirits or other intoxicating drinks may be sold, and to prohibit the keeping of the same, except by persons duly licensed.

Unwholesome business.

20. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, slaughter house, stables, stalls, privy, sewer, or other unwhole-

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* See section 8 of Title VII.; and also, Laws of 1855, Chap. 332, and Laws of 1857, Chap. 768.

some or nauseous house, place or yard, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort or convenience of the inhabitants, at the expense of the owner or occupant thereof, and to prescribe certain limits within which it shall not be lawful to erect or establish any offensive or unwholesome manufactory or business.

Erection of buildings.

21. To prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, sign, or any post or erection, or any projection from any building or otherwise, in, over or upon any street or avenue in, or the removal of any house or other building through said city, and to cause the same to be taken out and removed from such street or avenue at the expense of the owner or occupant of the premises.

Side-walks.

22. To cause sidewalks to be flagged, and new curb and gutter stones to be put down and laid, where the same do not conform to the ordinances of the common council, except where the want of conformity is the result of the action of the common council or of any city officer or officers, and the expense thereof to be assessed on the adjoining lots, and collected in the same manner as for regulating, grading and paving streets.

Draining and filling up of lots.

23. To direct the digging down, draining or filling up of lots, pieces or parcels of ground, in all cases in which by a vote of two-thirds they shall decide such digging down, draining, or filling up necessary for preventing any damage or injury to the streets, side-walks, cross-walks, or to the adjoining property, or for abating a nuisance, at the expense of the owners thereof; to direct the fencing in or closing of vacant lands in said city, and the building and maintaining of sufficient brick or stone walls between any lot or piece of land and any street or avenue adjoin-

ing the same in said city, in all cases where such lots or pieces of land shall not properly conform to the level of the streets or avenues adjoining the same, and to require such wall to be built upon any lot or piece of land which shall not so conform, at the expense of the owner or owners thereof, and to be so constructed as to prevent the draining or running of water or any other thing from any street or avenue upon any such lot, and so as to maintain, uphold and preserve the sidewalk of any such street or avenue, and to assess and collect the expenses thereof in the same manner as for regulating, grading and paving streets; but before any ordinance shall be passed for any of the purposes in this, or the last preceding subdivision mentioned, ten days' notice of the application for or the intention to pass such ordinance shall be given to every person to be affected thereby, either personally or by publication in the corporation newspapers.

Pay of officers.

24. To fix and determine a reasonable compensation to be paid to any officer of said city, or other person employed by them, for any service, required of him by this act or by any ordinance or resolution passed by them, for which no specific fee or compensation is provided by this act, to be paid by the person or persons for whom such service shall be performed, for the use of the city; and to regulate the compensation for the services of any officer of said city, or other person employed by him, for searching the books, files or records of said city for private persons.

Chimneys, &c.

25. To regulate the construction of chimneys, and to compel the sweeping thereof; to prevent the setting up or construction of stoves, boilers, ovens or other things in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places; to authorize any city officer, or person or persons whom they may designate for that purpose, to enter upon and inspect any place or places, for the purpose of ascertaining whether the same is or are in

a safe condition, and if not, to direct or cause the same to be made so; to regulate the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks or fire-arms in said city; to require all such further or other acts to be done, and to regulate or prohibit the doing of all such further or other acts, as they may deem proper to prevent the occurrence and provide for the extinguishment of fires in said city.

Taxes.

26. To estimate and determine what amount of money may be raised to defray the annual current expenditure of the city, and to adopt all legal and requisite measures for levying and collecting it.

Runners for boats, &c

27. To regulate and restrain runners for boats, stages, railroads, taverns and other houses, and the running of engines and cars through said city on any railroad established since January first, eighteen hundred and fifty-three.

Special taxes.

28. To raise by tax, annually, a sum not exceeding four thousand dollars towards defraying the expenses of the city hospital, and the sum of one thousand dollars for the celebration of the anniversary of American Independence, and, in the same manner as the expenses of the fire department shall be raised, the sum of one thousand five hundred dollars for the fire department funds of the western and eastern districts of said city, to be apportioned between them according to the taxable property of each of said districts, and the sum of one thousand dollars, upon the whole city, to be apportioned between the dispensaries now established in the present cities of Brooklyn and Williamsburgh according to the taxable property of the districts in which they are situated.

Bread.

29. To establish assize of bread, and regulate the sale thereof.

Ringing of bells.

30. To prevent or regulate the ringing and tolling of bells, blowing of horns and crying of goods, and other things in said city.

Dangerous buildings.

31. To raze or demolish any building or erection which, by reason of fire or any other cause, may become dangerous to human life or health, or tend to extend a conflagration.

Duties of officers.

32. To limit and define the duties which are by this act required to be performed by the several officers of the city, and to prescribe such other or further duties to be performed by them or any of them, as it may deem proper.

Correction of assessment roll.

33. The common council shall have power to correct and rectify any errors committed in any assessment as well for taxes for the various public purposes of the said city as for improvements, local and general, and may exercise such power as well before as after the confirmation of such assessment, on the petition of the person or persons considering themselves aggrieved thereby; and they may cause to be repaid to the petitioners any excess which may appear to have been paid by them over and above their just and proper tax or assessment, and may also cause to be repaid any amount which the said petitioners shall have paid when justly and equitably they should not have paid the same. The exercise of this power shall be solely in the discretion of the said common council, and they may or may not exercise the same, as in their judgment the justice and merits of the case may require.

Making and repealing ordinances

§ 14. The common council shall also have power to make, establish, alter, modify, amend and repeal all such other ordinances, rules, police regulations and by-laws, not contrary to the laws of this State or of the United States, as they may deem necessary to carry into effect the powers conferred on it by this act or by any other law of this State; and such also as they may deem necessary and pro-

per for the good government, order and protection of persons and property, and for the preservation of the public health, peace and prosperity of said city and its inhabitants.

Removal of houses.

§ 15. The common council may allow or permit the removal of any house or other building through or over any street or avenue of said city; but in no case shall a building be removed into a fire district.

Penalties.

§ 16. In every by-law, ordinance, or police or sanatary regulation the said common council may pass, it may impose such penalty for the violation or non-performance thereof as it may deem proper; but no such by-law, ordinance or regulation shall extend in its operation beyond the territorial limits of the city.

Suits.

§ 17. Suits may be prosecuted in the corporate name of the city against any person or persons who shall violate any provisions of any law, ordinance or regulation of the common council of said city, or who shall neglect or refuse to perform any act or duty thereby required of him or them; and in every such action it shall be sufficient to state in the complaint the by-law, ordinance or regulation, and the section thereof, upon which such action is brought; and proceedings for any violation of the ordinances of the city imposing a penalty, may be commenced by warrant for the arrest of the offender, as well as by summons, to be issued by any magistrate or court having jurisdiction in the case before whom complaint shall be made, under oath, and every police justice and justice of the peace elected in said city shall have jurisdiction in all such cases.

Publication of ordinances.

§ 18. Every general ordinance, by-law, rule or regulation which may be passed by the common council, imposing a penalty, shall, after passage thereof, and before the same shall take effect, be published for ten days successively in the corporation newspapers. Proof of such publication, by the affidavit of the printer or publisher of

such newspaper or papers, taken before any officer authorized to administer oaths, filed in the office of the city clerk, or a copy thereof certified by said city clerk, shall be deemed conclusive evidence thereof in all courts and places; but such publication may be proved by any other competent evidence.

Corporation papers.

[§ 19. The common council shall designate three daily newspapers published in said city, having the largest actual average daily circulation therein, one of which shall be printed and published in that part of the city known as the Eastern Fire Department district, in which shall be published all ordinances, resolutions, notices, tax and assessment sales, and all other proceedings which by this act or any other act are or may be required to be published affecting said city.]*

Fence viewers.

§ 20. the aldermen to be elected, as hereinbefore provided, shall be fence viewers within their respective wards, and shall have and exercise all the powers and authority of justices of peace of towns in criminal proceedings, except the discharge of persons in custody; but shall not be entitled to receive compensation for any services as such justices of the peace.

Yearly estimate of expenses.

[§ 21. The mayor and comptroller shall, annually, on or before the first Monday of June, present to the common council and supervisors of the city, in joint meeting, a statement in writing of the several sums of money which they shall deem necessary to be raised by tax for the various purposes contemplated by this act.]†

Annual meeting.

[§ 22. On that day the said common council and supervisors of the city shall meet in joint board, and then, or as soon thereafter as practicable, shall proceed to determine,

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* As amended. Laws of 1857, Chap. 131.

† As amended. Laws of 1857. April 6.

by a majority of at least two-thirds of the members present, what sums, in addition to such as may be directed by the board of supervisors of the county of Kings to be raised to defray county charges and entitle the city to its distributive share of the public school moneys, are necessary to defray the contingent and all other expenses of said city, including any interest due or to become due on the public debt of said city, or any portion thereof, as well as any instalments which may become due thereon, together with such sums as shall hereinafter be authorized for the use and benefit of the public schools of said city, or such as may at any time be required by law to be paid into the sinking fund of the city. The moneys which the common council and supervisors in joint board are authorized to determine pursuant to this section, shall be such moneys as shall be required for the municipal year which shall commence on the first Monday of January thereafter.]*

Lamp and fire district.

§ 23. The whole of said city, except the eighth, ninth and eighteenth wards, shall constitute a lamp and fire district, subject to the several provisions for the enlargement thereof hereinafter contained; and in determining the amount required to be raised by tax, as provided in the last preceding section, the said joint board shall apportion the aggregate amount thereof between the city at large and the several parts thereof, by specifying how much is to be levied upon the city at large, and how much upon the property within the lamp and fire district.

Presiding officer and clerk

§ 24. The mayor shall preside over such joint board, and the city clerk shall be the clerk thereof, who shall deliver a copy of the resolution, duly certified by the mayor, to the board of supervisors of the county of Kings, at their next annual meeting thereafter; and the several amounts

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* As amended. Laws of 1855, Chap. 60.

specified in said resolution shall be assessed and rated by said board upon and among the owners of the estate, real and personal, incorporated companies and associations in said city, in the manner herein directed.

Expenses of lamp and fire district.

§ 25. No part of the expenses of the lamp and fire district shall be raised outside of the same; nor shall any portion of the eighth, ninth and eighteenth wards be included therein; but the common council may at any time they think proper, by a vote of two-thirds, embrace any of the improved portions of said wards within such district, and such portions of the said wards may also be annexed to said district upon the application of a majority of the persons interested therein, if the said common council deem it proper so to annex the same.

Remission of fines.

§ 26. The common council shall have no power to remit fines for penalties incurred in violation of ordinances, or forfeitures for non-fulfilment of contracts for work done in cases where local assessments shall be laid, but such power may be exercised by the mayor, who shall, before the same be effective, transmit his decision to the common council, with his reason therefor in writing, who shall order the publication of the same.

TITLE III.

OF CITY OFFICERS, THEIR ELECTION AND DUTIES.

Officers.

[SECTION 1. The administrative powers of the said corporation shall be vested in a mayor, chief of police, comptroller, auditor, treasurer, street commissioner, commissioner of repairs and supplies, collector of taxes and assessments, and such other officers as shall from time to time be created by law or appointed by virtue of this act.]*

Qualification for office.

§ 2. No person shall be elected or appointed to any office unless he be at the time of his election a resident and

* As amended. Laws of 1855, Chap. 496.

elector of the city, and if elected to any ward or district office, an actual resident in such ward or district; and his removal therefrom shall vacate such office.

[§ 3. Elections for mayor, aldermen, and such other officers as are by the provisions of this act to be elected, shall be annually held in each of the wards and election districts of said city, on the first Tuesday of April, at such places as the common council shall designate. The first election for said officers, except for city judge, mayor, comptroller, auditor, treasurer, street commissioner, commissioner of repairs and supplies, and the collector of taxes and assessments, shall be held on the first Tuesday in April, eighteen hundred and fifty-eight, by the inspectors of election elected at the general election held on November fourth, eighteen hundred and fifty-six, and the common council of the city of Brooklyn shall give notice of such election in the corporation newspapers for at least ten days preceding the said first Tuesday in April, designating the places at which the polls shall be held in the various election districts of the several wards; and the common council shall provide a sufficient number of suitable boxes for each and every poll which they shall have designated in conformity with this section. The electors shall vote by ballot in the district in which they actually reside. The mayor, comptroller, auditor, city treasurer, chief of police,* street commissioner, collector of taxes and assessments, and commissioner of repairs and supplies shall be elected as follows: The chief of police to be elected at the charter election to be holden on the first Monday in April, eighteen hundred and fifty-eight, and every three years thereafter. The comptroller, auditor and city treasurer to be elected at the charter election to be holden on the first Tuesday of April, eighteen hundred and fifty-nine, and every three Elections.

* See Laws of 1857, Chap. 569, entitled "An Act to establish a Metropolitan Police District."

years thereafter. The mayor to be elected at the charter election to be holden on the first Tuesday of April, eighteen hundred and fifty-nine, and every two years thereafter. The street commissioner, collector of taxes and assessments, and commissioner of repairs and supplies to be elected at the charter election to be holden on the first Tuesday of April, eighteen hundred and sixty, and every three years thereafter. And the present incumbents of the several offices aforesaid shall continue to perform the duties of their offices until the first Monday of May next after their successors shall have been elected and qualified. The terms of office of the various officers mentioned in this section shall commence on the first Monday of May next after their election.]*

Ballots.

[§ 4. On the outside of each ballot shall appear one of the following endorsements: "judiciary," "mayor," "departments," "ward." The ballot endorsed "judiciary" shall contain the names of the candidates for city judge, police justice, and justices of the peace, or one or either of them to be chosen in accordance with this or any other act. The ballot endorsed "mayor" shall contain the name of the candidate for mayor only. The ballot endorsed "departments" shall contain the names of the candidates for comptroller, auditor, city treasurer, chief of police, street commissioner, collecter of taxes and assessments, commissioner of repairs and supplies, or any or either of them whose election may be called for under this act. The ballot endorsed "ward" shall contain the names of the candidates for aldermen, assessors, police captains, and all ward officers whose election is called for under this or any other act. Such ballots shall be deposited in separate boxes to be provided by the city for that purpose, and all the provisions of law in respect to the election of state officers shall be deemed to apply to elections held under

* As amended. Laws of 1857. April 6.

this act, so far as the same are applicable and consistent therewith.]*

Statements of canvass.

§ 5. The original statements which shall be made of the canvass shall be duly certified by the inspectors. They shall deliver one copy thereof, together with a copy of the poll lists, to the city clerk, and another copy of each to the chairman of the board of canvassers within twenty-four hours after the closing of the polls, which shall remain with them until delivered to the board of canvassers, without alteration, supplement or amendment.

Canvass of November, 1854.

§ 6. For the purpose of canvassing the votes given for city and ward officers at the general election to be held in November, 1854, the common council of the city of Brooklyn shall appoint twelve of its number, the common council of the city of Williamsburgh shall appoint four of its number, and the inspectors of election of the two election districts of the town of Bushwick shall each appoint one of their number; such appointments shall be made at least two weeks before said election, and the persons thus appointed shall constitute a board of canvassers for said election, with power to appoint its own chairman and clerk. Said board shall meet and organize in the common council chamber of the city of Brooklyn at least one week before said election; the statements of canvass shall be delivered to such chairman and clerk, as provided in the fifth section of this title; and said board shall thereupon proceed to canvass such statements at the same time and in the same manner as hereinafter provided.

Board of canvassers.

§ 7. For the purpose of canvassing the votes given for the city and ward officers at any election except the said election in November, 1854, the common council shall constitute the board of canvassers. The mayor, or in his ab-

* As amended. Laws of 1857, April 6. See Laws of 1857, Chap. 294, entitled "An Act to provide a more certain canvass and estimate of votes at each election in the cities of New York and Brooklyn."

sence the president of said board, shall preside, and the city clerk or his assistant shall be the clerk thereof. They shall meet at the room of the common council on the Monday next following the election, at or before five o'clock of that day, and a majority of aldermen shall constitute a quorum. The clerk shall then produce the original statements of canvass in each district, as the same shall have been delivered to him, and from them the board shall proceed to ascertain the votes given at such election for the several persons voted for thereat for the several offices mentioned in such statements.

Statement of votes.

§ 8. They shall make a written statement of the whole number of votes given for mayor of said city, as well as for the several other officers to be elected for said city and the several wards thereof; the names of the persons to whom such votes were given, and the number of votes given to each.

Certificate of result.

§ 9. Upon such statement the board shall proceed to determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement. In case any two or more persons shall have received an equal number of votes for the same office, the board shall determine by lot between them. The statement and final declaration of the board shall be certified by the presiding officer and clerk, and filed in the office of the city clerk.

Minutes of board.

§ 10. The clerk shall keep proper minutes of the proceedings of the board, and enter the same, with the statement and declaration of the board, in the book of minutes of the common council. Said statement and declaration shall, within one week thereafter, be published in one or more of the newspapers printed in each of the districts of said city. And within ten days after the board shall have determined what persons have been elected to the several

offices in said city, the clerk shall cause written notice of his election to be given to each of the persons so elected.

Election of mayor.

§ 11. The mayor shall be elected every two years, and no person shall be eligible to that office unless he has resided in the city at least five years, and has attained the age of twenty-five years. His salary shall not be less than two thousand dollars per annum. He shall, by virtue of his office, be a supervisor of the city of Brooklyn, and shall possess all the jurisdiction and exercise all the powers and authority in criminal cases of a justice of the peace of said city, in addition to the powers heretofore given him by this or any other act; but shall receive no fees for his services as such justice of the peace, or for his services as supervisor. It shall be his duty:

Duties.

1. To communicate to the common council, at their first meeting in the month of January, each year, and oftener if he shall deem it expedient, a general statement of the situation and condition of the city in relation to its government, finances and improvements, with such recommendations as he may deem proper.

2. To be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced, and to exercise a constant supervision over the conduct and acts of all subordinate officers, and to examine into all complaints preferred against them for a violation or neglect of duty, and generally to perform all such duties as may be required of him by law; for which purpose he shall have and possess all the authority and power, in criminal cases, to arrest and commit for examination all offenders for offences committed within said city against the laws of this state, of a police magistrate or justice of the peace of any of the towns of this state, and for the preservation of the peace. And shall have the power and authority to issue warrants against any and all persons violating any of the ordinances, by-laws or regulations of the common council

or of the board of health, or to direct the proper officers to arrest such persons and summarily to hear, try and determine and dispose of the same, where the penalty imposed by said ordinance, by-law or regulation shall not exceed ten dollars. And in case the penalty imposed by said ordinance, by-law or resolution shall not be paid forthwith, upon such person being adjudged guilty, then the said mayor shall have power by warrant under his hand and seal, to commit the said offender to the county jail of Kings county for a term not exceeding thirty days, or until the fine is paid; and in cases where the penalty shall exceed ten dollars, the said mayor may, after examination, hold the parties to bail. And in all cases where such person shall hold a license or warrant, granted by the common council or any of the officers thereof, it shall be lawful for the said mayor to suspend said licenses, or warrant, or the person so found guilty, from the benefits and privileges of said license or warrant, until the common council shall pass upon the same. And it shall be the duty of the mayor to report the fact of such suspension, together with his reason therefor, to the common council at the next meeting thereof. And no person so suspended shall be entitled to any benefits, privileges or rights under such license or warrant until the suspension shall be removed by the common council.

Vacancies.

§ 12. Whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented, by absence from the city, by sickness or any other cause, from attending to the duties of his office, the president of the common council, or if the said president shall be absent or disabled, the president to be elected pro tempore, shall act as mayor and possess all the rights and powers of the mayor during the vacancy in office caused by the absence or disability of the mayor or of the president of the common council, and the said president shall receive the same

compensation as the mayor, while acting in such capacity.

Comptroller.

§ 13. There shall be a comptroller, who shall be elected by the city at large every three years, except as hereinafter mentioned. He shall render to the common council, as often as required, a full and detailed statement of all the receipts and disbursements of the city government from time to time, specifying the amounts expended and unexpended on each appropriation made by the common council, with the state of account, together with a general statement of the liabilities and resources of the city, and such other information as may be necessary to a full understanding of the financial affairs of the city. He shall also, under the direction of the common council, prepare the annual statement hereinbefore directed to be published, and manage all the financial concerns of the corporation, in addition to such duties as may be required of him by law, and shall be entitled to receive such salary as the common council shall determine, and by consent of the common council may appoint a deputy comptroller, for whose acts he shall be responsible. He may administer an oath to any person or officer who shall be required to render any account or make any return to him, or furnish proof of his right to receive any sum of money, or any evidence of indebtedness from the said comptroller, or from the city of Brooklyn.

Street commissioner.

§ 14. There shall be a street commissioner, who shall be elected by the city at large every three years. He shall perform all such services as may be directed in relation to the opening, widening or regulating, grading and paving streets and avenues, with such other duties as may from time to time be prescribed for him by the common council, not inconsistent with this office. He shall receive and have charge of all maps, books and papers appertain-

ing to his department, and shall be entitled to such salary as the said common council shall determine; and by consent of the common council may appoint a deputy street commissioner, for whose acts he shall be responsible, and who shall hold his office during the pleasure of the street commissioner. The deputy street commissioner shall possess all the powers and discharge all the duties of the street commissioner, in case of the absence of that officer. The street commissioner shall also have power to appoint such other clerks and subordinates in his department as the common council shall from time to time deem necessary.

Treasurer.

§ 15. There shall be a treasurer, who shall be elected by the city at large every three years, except as hereinafter mentioned, who shall receive and deposit daily, under the direction of the common council, all moneys belonging to the city in such banks, to the credit of the city, as the common council may direct, and upon such terms as the common council may determine, or in default thereof, in such banks as he may think fit, but no greater amount shall be deposited in any one bank than one-quarter of its capital. He shall countersign all warrants, also keep an accurate account of all receipts and payments, and make weekly returns thereof in such manner as the common council shall direct. The common council shall make orders for the payment of all moneys to be drawn out of the treasury, and no money shall be drawn or paid out of the treasury except in pursuance of such orders appropriating the same, and upon warrants signed by the mayor or acting mayor and comptroller, and countersigned by the city clerk, or in his absence by his assistant. Such warrants shall specify for what purpose the amount therein mentioned is to be paid, the appropriation against which it is drawn, and the date of the ordinance making the same; and the said clerk shall keep an accurate account

of all orders, directing moneys to be paid by the treasurer, in a book to be provided for that purpose.

Commissioner of repairs.

§ 16. There shall be a commissioner of repairs and supplies, who shall be elected by the city at large every three years, except as hereinafter mentioned. He shall, under the direction of the common council, have charge of all repairs and supplies of and for the public buildings, station houses and bell towers, wharves and piers belonging to the city, and of and for the pavements, side and cross-walks, fire engines and other property of the fire department, lamps, oil and gas, fuel and stationery for the public offices of the city. He shall perform such other duties as shall from time to time be prescribed for him by said common council, not inconsistent with his office, and receive a salary to be determined by said common council; and by consent of the common council may appoint a deputy commissioner and foreman of repairs and supplies, for whose acts he shall be responsible; and shall have power, under the direction and by the consent of the mayor and the aldermen of the ward where repairs are required to be performed immediately, to expend in such repairs an amount not exceeding fifty dollars on any such occasion.

Auditor.

§ 17. There shall be an auditor, who shall be elected by the city at large every three years, except as hereinafter mentioned. It shall be his duty to examine all bills presented against the city for payment. No claims against the city, or for local improvements, or otherwise howsoever, shall be paid, unless he shall certify the same to have been incurred under due authority of law, and that the services have been rendered or the materials furnished for which such bills may be presented, and that the charges are just and reasonable, or according to contract. He may require the oath mentioned in section twelve of this title, and may administer the same.

Attorney and counsel.

§ 18. The common council shall appoint a suitable and proper person as, and who shall be the attorney and counsel for the corporation. He shall have the management, charge and control of all the law business of the corporation, and the departments thereof, and all the law business in which the city shall be interested; draw all leases, deeds and other legal papers for the city, and shall be the legal adviser of the mayor and common council and the several departments of the corporation; he shall have the charge, management and control of, and shall conduct all the proceedings necessary in opening, widening, altering or closing streets, avenues, parks, roads or lanes, and all other local improvements of the same kind, and he shall have the power and authority from time to time, during his continuance in office, to authorize an attorney or other person to appear for him in his name, for and on behalf of the said corporation, and conduct and defend suits and proceedings in all courts and places. The said attorney and counsellor shall devote the whole of the business hours of the day to and for the use of the corporation and business above set forth. He shall receive from the common council an annual salary of three thousand dollars, to be paid quarterly, exclusive of all disbursements, and in full for all services rendered or performed by him for the corporation, including all attorney and counsel fees arising or which may accrue on any proceedings for any local improvements or otherwise; all which fees shall belong to and be paid into the city treasury. The common council shall provide suitable apartments for the said attorney and counsel in the City Hall, with all the necessary furniture and stationery, and shall allow and pay the said attorney and counsel such further sum as may be necessary, not to exceed two thousand five hundred dollars annually (to be paid quarterly,) in full for the services of any attorney and clerk he may employ, which salary shall be in lieu of all

fees and perquisites whatever as such attorney and counsellor, and he shall hold his office for the term of one year from the time of his appointment.

Remission of fines.

§ 19. No fines imposed for a violation of any of the ordinances, by-laws or regulations of the common council shall be remitted by the mayor until after having received the advice in writing of the said attorney and counsellor. And no deed of cession of any street or parts of streets, avenues, lanes, roads or parks, shall be accepted by the said common council until the title of the parties ceding the lands on the same shall have been examined and ascertained by the said attorney and counsellor, and he shall report to the common council such fact in writing. The fees and expenses thereof to be paid by the parties executing the deed of cession, which said fees and expenses shall be paid into the treasury for the use of the city.

City clerk, his duties.

§ 20. The city clerk shall, in addition to the duties in this act required of him, have charge of all the papers and documents of the city, countersign all licenses granted by the mayor or the board of excise, and keep the record of the proceedings of the common council. He shall perform all the duties of the clerks of the several towns of this state, not inconsistent with this act. He shall engross all the ordinances of the common council, in a book to be provided for that purpose, with proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed by the mayor or acting mayor and said clerk. Copies of all papers duly filed in his office, and transcripts thereof, and of the records of proceedings of the common council, and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places of the matters therein contained. He shall also receive and pay over to the treasurer all moneys which by any law or usage are paid to the clerk of the city.

City surveyors.

§ 21. The common council shall annually appoint so many city surveyors as it shall deem proper, and fix their compensation for services in the opening or grading of any street, avenue, square, or making any other local improvement, and in all other cases in which they may be employed by the common council, and shall require from them bonds with such penalties as they may deem sufficient to secure the faithful performance of all their duties.

Constables.

§ 22. There shall be annually elected, in each ward, one constable, who shall perform such duties as are by law prescribed to constables in other towns and counties of the state. He shall not be considered as attached to the police force, except when specially required by the mayor or chief of police.

Official term of office.

[§ 23. The official term of the several persons who shall be elected in pursuance of this act shall commence on the first Monday of May next after their election, and the official terms of all persons who shall be appointed to any office or place, in pursuance of this act, shall commence as follows:

1. Such as are required to give security for the performance of their duties from the time such security shall be given and approved as now provided by law.

2. Such as are not required to give security from the time they shall have taken and filed the oath hereafter mentioned.]*

Appointment of officers.

[§ 24. The common council, in a meeting on the first Monday of May, eighteen hundred and fifty-eight, or as soon thereafter as practicable, at which the mayor or president of the common council shall preside, and from time to time as may be necessary, shall by ballot appoint a

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* As amended. Laws of 1857, April 6.

suitable person as clerk, one health officer, and a messenger to the said common council, and a keeper of the City Hall, three inspectors of pavements, and shall also, by ballot or otherwise, as they may determine, appoint so many fire-wardens, pound-masters, clerks of markets, inspectors of meats, surveyors, sealers of weights and measures, and clerks of departments as they shall deem it expedient to appoint. All persons so appointed shall hold their respective offices until the first Monday of May next after their appointment, and until their successors shall have been appointed and have qualified, unless sooner removed for official misconduct.

The common council shall, at its first meeting in May, eighteen hundred and fifty-nine, or as soon thereafter as practicable, appoint an attorney and counsel to the corporation, who shall hold his office for the term of two years from the time of his appointment, and the present incumbent shall continue to be attorney and counsel until his successor shall have been appointed as aforesaid.]*

Sureties.

§ 25. The treasurer of the city, comptroller, collector of taxes and assessments, auditor, street commissioner, city clerk, the attorney and counsellor, and such other officers as the common council shall direct, shall severally execute a bond to the corporation, in such penalty as the said common council shall require, except as herein otherwise provided, with such sureties as said common council shall approve, conditioned for the faithful performance of their respective duties, and for accounting and paying over all moneys by them respectively received in their official capa-

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* As amended. Laws of 1857, April 6. It seems that after the expiration of the first appointment of attorney and counsel under this amendment, there is no limit to the term of the appointment of that officer, but that it is to be held during the pleasure of the common council, under the first clause of section 18 of this Title.

cities. In case such officers shall refuse or neglect, for ten days after they are notified of their election or appointment, to execute and deliver to the city clerk the bond herein required, such neglect or refusal shall be immediately reported to the said common council, who may declare such office vacant, and forthwith proceed to appoint another in his place.

Sureties of constables.

§ 26. The constables elected by the several wards shall also, with such sureties as the said common council shall approve, severally execute and deliver to said corporation a bond for the faithful performance of their duties, and for the due payment, to every person who may be entitled thereto, of all such sums of money as such constable may become liable to pay by means or on account of any execution or other process which shall be delivered to him for collection.

Amount of surety.

§ 27. The sureties referred to in the last two preceding sections shall justify in such form as the common council shall prescribe, and the bonds thereby required, after having been duly approved, shall be filed in the office of the city clerk, except that the bond of the city clerk shall be filed in the office of the comptroller, before any one of the officers required to execute the same shall enter upon the duties of their respective offices.

Oath of office.

§ 28. Every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, shall, before he enters upon the duties of such office, take and subscribe, before the mayor, city clerk, or some person authorized to administer the same, the constitutional oath of office of this state, and file the same in the office of the city clerk; and if any such person shall neglect to take such oath for ten days after receiving notice of his election or appointment, or shall neglect for the like space of time to give such security as may be required of him, he shall be considered as having declined such office,

and the same shall be deemed vacant; and if and whenever any vacancy shall occur in any of the offices to which by this act the common council may make appointments, it shall proceed to appoint suitable persons to fill such vacancies.

Salaries.

§ 29. The common council shall grant and pay to the mayor, comptroller, auditor, street commissioner, chief of police, collectors of taxes and assessments, attorney and counsellor, treasurer and all other officers, assessors, commissioners, clerks or other subordinates, elected or appointed under or in pursuance of this act (except to aldermen and supervisors,) such stated salaries as it may from time to time deem proper or shall be fixed by this act; but such salaries shall be instead of all fees and perquisites whatever, for services to be performed by such officers; and all such fees and perquisites shall be collected and paid to the treasurer of the city for the use of the city by every such officer and clerk monthly, under oath, to be filed with the comptroller, before he shall be entitled to receive any such salary, but no officer's salary shall be either increased or diminished after his election and during his continuance in office.

Resignations and vacancies.

§ 30. Any officer elected under this act may resign his office by giving notice, in writing, of his intention to the city clerk and publishing a copy of such notice in the corporation newspapers; and any officer failing to discharge the duties of his office for the space of one month shall, unless excused by the common council, be deemed to have resigned. Whenever a vacancy shall occur in any of said offices, except in the office of alderman, whether caused by death, removal, or otherwise, the common council may proceed, by ballot, to fill the vacancy until the next ensuing charter election, when a person shall be elected for the balance, if any, of the term so vacated.

Removals

§ 31. Any officer, except the mayor, may be removed from office for misconduct by the resolution of the common council, provided that no such removal shall take place until the party sought to be removed has had an opportunity to be heard on his defence, nor unless two-thirds of all the members elected, respectively, vote therefor. Whenever any such removal shall take place, the cause therefor, together with the ayes and noes upon the vote taken, shall be entered at large upon the journal of the common council.

Penalty for not delivering over books and papers.

§ 32. If any person, having been an officer of said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such time thereafter as the common council shall allow, deliver over to his successor in office all the property, books and papers belonging to the city, or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs.

Members of common council, certain disabilities.

§ 33. No member of the common council shall, during the period for which he was elected, be appointed to or competent to hold any office the emoluments of which are paid from the city treasury; or be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price or consideration of which is paid from the said city treasury, or by any assessment levied by any act or ordinance of the said common council; nor shall any such member be directly or indirectly interested in the purchase of any real estate or property belonging to the corporation, or which shall be sold for taxes or assessments, or become security for any officer appointed by said common council, or for any contractor under the city government.

Supervisors.

§ 34. There shall be elected annually in each ward, at the same time with the other city officers, a supervisor, who shall possess all the powers and be entitled to the compensation of a supervisor of the county of Kings; and the said supervisor shall possess the powers and perform the duties in the city court of Brooklyn now invested by law in the aldermen of said city.

Districts.

§ 35. That portion of the city lying south and west of the Navy Hospital and Flushing avenue, shall be denominated the Western District; and the present city of Williamsburgh and the town of Bushwick, and that portion of the city of Brooklyn lying north and east of the Naval Hospital and Flushing avenue, shall be denominated the Eastern District.*

The city court of Brooklyn.

§ 36. The jurisdiction of "the city court of Brooklyn" is hereby extended to the city hereby incorporated, and the powers of said court and of the judge thereof shall be the same as if the city hereby incorporated had been included in the act establishing said court and amending the same. The election of city judge shall be held at the general election in November, 1854, and at the general election every six years thereafter.

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* By Laws of 1855, Chap. 496, all local distinctions in relation to the Eastern and Western Districts of the city are abolished, except so far as relates to the fire department.

TITLE IV.

OF ASSESSMENTS FOR PUBLIC OR LOCAL IMPROVEMENTS.

Laying out of streets.

[SECTION 1. The common council shall have power, under the restrictions and limitations hereinafter mentioned, to cause streets and avenues to be opened and widened, and to be regulated, graded and paved, and to cause public squares and parks to be opened, regulated, ornamented and protected, and streets and avenues to be kept in repair, and from time to time to be repaved, or regraded and repaved; to close up and discontinue roads, streets, lanes and avenues; to provide that lamp posts and lamps be erected, and cisterns made for the purpose of furnishing water in case of fire; to cause sewers and drains,* wells and pumps to be constructed and repaired, and generally to have such other improvements in and about such streets, avenues and squares as the public want and convenience shall require. The expense of all such improvements (except for repairs) shall be assessed and be a lien on the property benefited thereby, in proportion to the amount of said benefit. In all cases where the common council shall decide upon the grading and paving any street or avenue, they shall cause a sufficient number of culverts or drains to be constructed under such street or avenue as may be necessary to carry off the surface water of the lands which shed their water across the line of such street or avenue.

The term "improvements" in this section shall be construed and is hereby declared to embrace any drawbridge

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* By Laws of 1857, Chap. 521, entitled "An Act in relation to sewerage and drainage in the city of Brooklyn," this power in relation to sewers and drains is transferred to the board of water commissioners.

that, in the opinion of the common council, may be required to connect one part of a street or avenue with another part thereof, or with some other street or avenue, and the common council shall have the power to cause the same to be constructed accordingly; but it shall not be lawful to erect, create or construct any such drawbridge over the Gowanus creek or canal unless it shall have a draw in it of not less than thirty-four feet in width in the clear.]*

Petition.

§ 2. No proceedings shall be taken to open any street, park, avenue or square, unless upon petition, signed by a majority of the persons owning land situated on the line of the said improvement; and all streets and squares now opened or used as such, and streets and squares to be opened and widened by the proceedings under these provisions, or to be ceded to and accepted by the common council, shall be under the jurisdiction, management and control of the said common council for the purpose of making the improvements before mentioned, as the public wants and convenience shall require, and for all purposes mentioned in or necessary for the fully carrying into effect all the provisions in this act, and the powers granted to the common council by this or any other act.

Proceedings on petition.

§ 3. Whenever a petition for opening or widening any street, road, avenue, park or square in said city, signed by a majority of the persons owning land situated on the line of the same, shall be presented, the common council of said city shall cause a notice to be published, in two of the newspapers published in said city, that such application has been made, and of the time (which shall not be less than twenty days after the first publication of such notice) when they will proceed on said petition, which notice shall be published daily for two weeks successively; and unless

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* As amended. Laws of 1857, Chap. 607.

a remonstrance, signed by a majority of the persons who will be assessed for the expenses thereof, shall be presented to them on or before the day specified in said notice, and if they shall deem the application proper, they may, on the day specified in said notice, or as soon thereafter as may be, by a resolution, decide to allow such improvement to be made. Before giving notice of the pendency of such application, the common council shall fix the limit or district of assessment beyond which the assessment shall not extend; and a description of such limit or district shall be inserted in and form part of such notice. If the common council shall deem it proper to permit such improvements to be made, they shall cause application to be made to the county court of the county of Kings, or in case of the disability of the county judge, by reason of interest or otherwise, then to the supreme court at a special term held in the county for the appointment of three persons as commissioners to estimate and assess the expense of said improvement, the amount of damages and benefit to be sustained and derived therefrom by the owners of such lands and buildings as may be affected thereby. The persons so appointed shall not be interested in the improvement. The said court may also appoint another or others to act in the place of any one or more of such commissioners who may die, decline serving, remove from the city, be or become interested in the improvement, or from any cause may be disabled from serving.

Expenses in case prayer of petition is denied.

§ 4. The persons so applying, and who shall have signed a petition for any such improvement, shall be chargeable with, and are hereby declared liable for all charges and expenses which may accrue on such application, if the same is refused by the common council; and also for all costs, fees, damages and expenses which shall not be collected on any proceedings instituted under any such petition or petitions by the common council.

Maps of premises to be taken.

§ 5. The common council of the city of Brooklyn shall cause a map to be made under the direction of the street commissioner, by a competent surveyor, on which map shall be designated by feet and inches, as near as may be, the several pieces of land and premises necessary to be taken for the improvement, and of any residue of lots or pieces of land, within the district of assessment, of which only a part will be required of the same; and also the several pieces of land and premises within the district of assessment laid out by said common council, which said several pieces of land shall be numbered in figures from one upwards; and the map aforesaid shall form and constitute a part of the report of the commissioners of estimate and assessment, and shall be deposited with the report for examination in the office of the clerk of the county of Kings.

Commissioners to be sworn.

§ 6. The said commissioners shall be sworn, before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, and shall then proceed with all reasonable diligence to make the estimate and assessment mentioned in the preceding section; and for this purpose they shall have power to enter upon and examine any premises which, in their opinion, will be affected by said improvement, to hear the proofs and allegations of the parties interested at such time and place as they may appoint, and to continue such hearing by adjournment from time to time as they may deem proper.

Report of commissioners.

§ 7. The report of said commissioners shall be made in a tabular form, with columns, in which shall be distinctly given the whole expense of the proposed improvement and the several items thereof, the number on the map of the pieces of land required for the improvement, and of any residue, lots or pieces of land, within the district of assessment, of which only a part will be required for the same;

the number of the pieces of land assessed for benefits; the names of persons interested in the property taken or assessed for the improvement; the amount awarded to the different parties interested in the lands and premises required for the improvement; the amount assessed on each piece of land, and on the different interests therein; the balance of award to be received by the respective parties over the assessment; the balance of assessment to be paid by each individual whose assessments amount to more than the award; and so many and such other different columns and tabular statements as may be necessary to designate the true interests of the parties in the lands and premises required for the improvement and their liabilities in relation thereto.

Residue of lots injured.

§ 8. When a residue shall be left of any lot or lots necessary to be taken for such improvement, the said commissioners may, in cases where injury or injustice would otherwise be done, and with the consent, in writing, of the owner or owners of such lot or lots, include the whole or any part of such residue in their report (briefly describing the same), and estimate separately the value thereof. Every such residue or part of a residue, which shall be so included, shall, upon the confirmation of said report, as hereinafter provided, and the payment or tender of the amount at which the same shall be so estimated to the owner or owners thereof, vest in fee simple in the city of Brooklyn, who shall thereupon sell and dispose of the same, at a price or prices not less than the sum at which it shall have been so estimated, to the owner or owners of the next adjacent lands; and if he or they shall not upon reasonable notice, to be determined by the common council of said city, elect to take the same at such price or prices, it shall be disposed of at public auction, upon such notice as the common council shall deem proper, for the best price or prices that can be obtained for the same. In case

the same shall sell for a less sum than that at which its value was estimated by the commissioners, the deficiency shall be deemed a part of the general amount of loss and expense arising from the improvement. And for the purpose of providing for the event of such deficiency, and for the payment of the amount thereof, the commissioners shall include, in the estimate and assessment of the expense of such improvement, the estimated value of any such residue, or part of a residue, which may be included as aforesaid in their report, and upon the sale of the same, as above provided, the proceeds thereof shall be credited and allowed to each of the persons assessed, in proportion to the amount of the respective assessments against them.

Estimate of benefit.

§ 9. In other cases in which part only of the land and premises of any person or persons will be required for any such proposed improvement, the fair estimated benefit to be derived by him, her or them, in common with others, for the said improvement, shall be assessed and be a lien upon the residue of such land and premises, but such assessment shall in no case exceed the value of such residue; and if in the opinion of the court to whom the said report shall be presented for confirmation, as hereinafter provided, any assessment shall exceed such value, it shall be good cause against confirming the said report.

Estimated damages.

§ 10. When all the land and premises of any person or persons will be required for the contemplated improvement, or where part only thereof will be required and the estimated damages to be sustained by the appropriation of such part to the purposes thereof shall exceed the fair estimated benefit which, in common with others, he, she or they will derive from the said improvement, the amount of the estimated damages in the first case, and of the excess of such estimated damages in the last, shall be assessed and be a lien on other lands and premises, according to the estimated benefit to be derived from the said improvement.

Damages by intervening lands.

§ 11. The said commissioners shall also estimate in their said report any damages arising from the said improvement which may be sustained by the owner or owners of any land bounded on public highway by reason of the location of the proposed street, avenue or square, in such manner as to interpose the land of any other person between such proposed street, avenue or square and the said highway; and the amount of such estimated damages shall be assessed and be a lien on other lands and premises, according to the benefit to be derived by them respectively from the said improvement.

Notice of meeting to revise report.

§ 12. After said report shall be completed, it shall be filed by the said commissioners in the office of the clerk of the county of Kings. They shall then cause a notice to be published that the same has been completed and filed, and that they will meet at a time and place therein to be specified, not less than ten days from the first publication of such notice, to review their report. During that time the said report may be examined, free of expense, by all persons interested; and at the time and place so specified any person may offer objections in writing to the said report, and accompany the same with such affidavits as he may think proper. The said commissioners shall thereupon, or as soon as conveniently may be thereafter, review their said report, and correct the same where they shall deem it proper, and shall then again file the same in the office of the clerk of the said county of Kings. The common council shall then cause a notice to be published, in the newspaper or newspapers employed by the said corporation, that the said report has been so completed and filed, and that application will be made on behalf of the said common council to the county court of the county of Kings, or to the supreme court at one of the special terms thereof, the time to be specified in such notice (and in either case not less than ten days from the first publication

thereof,) to have said report confirmed. During the said space of ten days the said report shall remain open to the inspection, free of expense, of all persons interested; and any such person may, within that time, appeal from said report. Such appeal shall be by notice, to be served on the clerk of the said common council within the period last mentioned, and at least six days before the time at which the said report is to be presented to the court for confirmation, which notice shall be accompanied with copies of the affidavits which shall have been delivered to the commissioners (if it shall be intended to use or to refer to copies thereof on such appeal), and also with a brief statement in writing of the grounds of objection to such report, and of the manner in which it is contended that the same ought to be altered. Appeal.

§ 13. Such appeal shall be heard by the court to which the said report shall be presented for confirmation, at the time the same shall be so presented. Copies of the affidavits which shall have been delivered and served as aforesaid (but no others) may be read against confirming the said report, and affidavits may be also read to sustain the same; but no cause against such confirmation shall be heard, except an appeal shall have been made in the manner provided in the preceding section of this act. If no sufficient reason to the contrary shall appear to the court, they shall confirm the said report; or if, in their opinion, the same ought not to be confirmed, they may refuse so to do, and in the event of such refusal they shall in the proper cases refer it back for revision and correction to the same or other commissioners, who shall proceed to revise and correct the same, and cause it, or a new report, to be filed in the office of the clerk of the said county. The common council shall thereupon cause a new notice to be published, in the manner required in the preceding section of this act, of the filing of such report, and of their Hearing of appeal.

intention to apply for the confirmation thereof. The said report may be appealed from within the time and in the manner provided in the said section, and such appeal shall be proceeded upon and the said report again disposed of in the manner directed by this section; and so often as any such report shall be referred back for revision and correction, the like proceedings shall be thereupon had as are provided in this section upon a first reference back to the said commissioners. In cases, however, where the said court can from the nature of the case and shall direct specific alterations to be made therein, and such alterations shall be made in its presence or during the same term, they may thereupon absolutely confirm the said report without further notice.

Costs of appeal.

§ 14. The court to which any such report shall be presented for confirmation shall have power, in their discretion, to award costs against the appellant in cases where the appeal shall not be prosecuted or sustained.

Confirmation and payment of assessments.

§ 15. After the reports of the commissioners shall be confirmed, the said reports shall be delivered to the common council of said city, who shall be thereupon authorized to cause such improvements to be made. At such time, within the space of thirty days next after the confirmation of the said report, any person from whom any assessment contained therein may be due may pay the amount thereof, without any additional expense for collecting, to the collectors of taxes and assessments, and in the manner herein and by this act provided.

Payment of damages.

§ 16. The city comptroller shall pay to the persons (or to the attorneys or legal representatives of such persons) to whom damages may have been awarded in such report the amount of such damages, without any deduction therefrom by way of fee or commission.

§ 17. The commissioners of estimate and assessment, to

be appointed as aforesaid, shall be allowed two dollars for each and every day while actually and necessarily employed in and about their duties; provided they shall each make an affidavit that they and each of them were so employed for four hours at least in each day, except the first and last days, on which they shall meet and present their account for such service, so verified, to the proper officers for taxation; and such compensation, and the fees and charges of surveyors and other persons, shall be estimated as part of the expenses of the improvement, and be afterwards taxed or certified by some officer authorized to tax costs in the supreme court of this state. Pay of commissioners.

§ 18. If the estimate of the expenses shall exceed the amount of expenses which shall be actually incurred in making the improvement, such excess shall be refunded or allowed to the persons assessed, in proportion to the amount of their respective assessments. Excess of estimate over expenses.

§ 19. In any case of opening, widening or extending any street, avenue or square, road or highway, under the provisions of this act, the county court of the county of Kings, or the county judge thereof in term or vacation, or a justice of the supreme court, shall have power, on application, to appoint guardians for infants or other incompetent persons, in the nature of guardians ad litem, to protect their interests or prosecute appeals, who shall be entitled to receive five dollars for their services and attendance before the commissioners, and no other fees or costs, unless upon an appeal, in which case the judge who shall hear the appeal shall fix upon the further amount to be allowed them, if any, and shall certify the same. Guardians for infants.

§ 20. The costs and fees of the attorney and counsel in any such proceedings, exclusive of his disbursements, shall not exceed in any case the sum of two hundred dollars, unless on appeal, or when the report is sent back to the Costs and fees of proceedings

commissioners; and in such case the judge who heard the appeal may allow such further sum in addition to the taxed or certified bills as he may deem just and proper; and such costs and fees shall be paid into the city treasury for the use of the city.

Lien of assessments.

§ 21. All assessments for improvements in said city, when the same shall have been confirmed according to the provisions of this act, shall constitute and be a lien upon the property assessed, from the time of such confirmation, which lien shall have priority over all other liens or incumbrances.

Paving and grading streets.

§ 22. The board of assessors shall, under such regulations as they may adopt, and by at least three of their number, apportion and assess the expense of regulating, grading and paving, or regrading and repaving streets, and of constructing wells and pumps, public cisterns, sewers and drains, lamp-posts and lamps, flagging sidewalks, fencing and filling in lots, and of all other public improvements, except as herein otherwise directed; and the common council shall proceed in regard to the assessments therefor in the manner hereinafter provided.

Expense, how assessed.

[§ 23. Upon a copy of the resolution of the common council deciding to make any such improvement and fixing the amount to be assessed for the expense thereof, certified by the city clerk and approved by the mayor, being sent to the board of assessors, they shall thereupon proceed to view the premises, and shall assess the expense of said improvement upon the several lots, pieces or parcels of land benefited, in proportion to the benefit which, in their opinion, the same shall derive from or in justice ought to be assessed for the said improvement. But whenever any of the lots, pieces or parcels of land so benefited, shall be under water and belong to the state, the said board of assessors shall, in respect to such land, make such assessment upon the right, interest and claim to and in the said land,

of the person or persons who may be entitled to a grant of such lands from the commissioners of the land office. And all the provisions of this act applicable to said improvements, and the collection of the assessments therefor, shall apply to such right, interest and claim, and to the persons entitled to the same. Nothing herein contained shall be construed so as to affect the title of the state in or to the said land; but any person or persons who shall take the title to said lands from the state and while the same remains unpaid, shall take the same subject to the lien of said assessments. Provided that the provisions herein contained shall be deemed to apply to lands under water, lying in the eighth, tenth and twelfth wards of the city of Brooklyn, and to none others.]*

Notice of assessment.

§ 24. The board of assessors shall make a report, in writing, of the assessment so made, and before proceeding to sign the same shall give notice in the corporation newspapers of the district, which notice shall be published for ten days successively, of the time and place when and where the parties interested can be heard; and after hearing the parties, the board of assessors shall proceed and complete the report and sign the same, and return the said report, with all objections in writing which shall be presented to and left with them by any of the parties interested, to the common council, who shall refer the same, in case of any objections in writing, to the proper committee of the board. The said committee shall publish a notice in the corporation newspapers of the district, for ten days successively, to the parties interested, of the time and place when and where they will meet to hear them on the objections and report.

Report of committee to common council.

§ 25. The said committee shall thereupon examine the

* As amended. Laws of 1857, Chap. 607.

matter and report of the common council, and shall return to them the said report of the board of assessors, with the objections of the parties, together with the views and opinions of the committee respecting the said report.

Correction of assessment.

§ 26. The common council shall thereupon examine the matter, and may correct the said report and assessment, send it back to the board of assessors, or confirm the same, as they may deem just and proper, and their confirmation in the matter shall be final and conclusive.

§ 27. And the like proceedings shall be had when the report of the board of assessors is sent back as in the first instance.

Election of assessors.

§ 28. At the annual election for charter officers, first to be held under this act, there shall be elected from each ward one assessor. The assessors so elected shall constitute a board of assessors, who shall be divided into two classes; the assessors of the first, third, fifth, seventh, ninth, eleventh, thirteenth, fifteenth and seventeenth wards shall form the first class, and the assessors of the remaining wards shall form the second class; the first class shall hold office one year, and the second class shall hold office two years; but after the first year the term of office of both classes shall be two years.

Powers of assessors.

§ 29. The said assessors shall have power to examine, upon oath, every person whom they shall believe ought to be assessed for his personal property, and shall also have power to examine, under oath, such other persons, as witnesses in relation thereto, as they may deem proper, and for that purpose may administer oaths and issue process to compel the attendance of witnesses before them. Any person who shall refuse to make, under oath, a full disclosure of all the facts necessary to enable the assessors to make a fair and just assessment of his personal property, when duly called upon by the assessors to do so, or to answer

such questions as may be put to him in relation thereto, shall be assessed a gross sum, which in their judgment will be the full amount of his personal estate, and shall forfeit for one year all the rights and privileges given to persons aggrieved by the assessment of assessors by the law "For the assessment and collection of taxes."

Ward maps.

§ 30. The ward maps made or to be made shall be filed in an office to be provided by the city for the use of the board of assessors, and assessments on land in the respective wards shall refer to such maps, except in cases of opening streets, avenues, squares and parks; and where a portion of any lot of land laid down on said maps shall be taken for any improvement, the residue shall be deemed to be held for any assessment thereon, and land occupied by a person other than the owner may be assessed in the name of the occupant.

President of board of assessors.

§ 31. The board of assessors shall elect one of their number president, and appoint a competent person as their secretary, who shall make out the assessment lists under the direction of said board, and perform such other duties as may be required of him by said board or the common council. The common council shall provide a suitable room for said assessors, in which they shall transact their business; and the assessment rolls of the several wards when completed shall be left for inspection and examination by any person interested, and of which the assessors shall give due notice, as required by law, and the said assessment rolls shall be open for inspection during thirty days from the time of the first publication of such notice.

Pay of assessors.

§ 32. The common council shall fix an annual compensation for such assessors and secretary, to be levied in the annual tax, and may, by ordinance, regulate the duties under the foregoing provision, and remove such assessors for incompetency or neglect of duty.

Assessment laws.

§ 33. All provisions of law now applicable to the assessors of Brooklyn, or towns of this state, in relation to the assessment and collection of taxes in said city, not inconsistent with this act, are hereby declared to apply to the assessors elected under this act.

Streets in first five wards.

§ 34. The common council shall have power to lay out streets within the first five wards of the city, where such improvements may be deemed proper, although the same have not been laid out on any public map of the town, village or city of Brooklyn, and to extend or lengthen streets heretofore laid out by law in any part of said city, upon the written application of a majority of the persons owning the property on the portion of the street to be added by such extension. All provisions of law applicable to such improvements, and to the opening and subsequent improvement of streets, shall be applied to the streets to be laid out, extended or lengthened; and all such provisions are hereby extended over and applied to the land covered with water between the line of bulkhead as now actually existing and the permanent water line as heretofore established by law, and lying north and east of the westerly line of Fulton street continued out to such water line; and the city of Brooklyn shall have jurisdiction over such land covered with water for the purpose of making such improvements.

TITLE V.

OF THE COLLECTION OF TAXES AND ASSESSMENTS.

Election of collectors.

[SECTION 1. There shall be elected at the election in November, eighteen hundred and fifty-six, and every third year thereafter, a collector, who shall hold his office for the term of three years, and until his successor shall be elected in his place and duly qualified, to be called the collector of taxes and of assessments of the city of Brooklyn. The common council shall provide a

suitable office, which shall be kept open during such hours as the common council shall designate, on each day in the year, except Sundays and such holidays as shall be observed by the general custom of said city or by recommendation of public authority.]*

§ 2. The said collectors shall respectively execute a bond to the city of Brooklyn, with at least two sureties, who shall be freeholders in the county of Kings, in such penalty, not less than one hundred thousand dollars for the collector of the western district, and sixty thousand dollars for the collector of the eastern district, as the common council shall direct, conditioned for the faithful performance of the duties of their office, and for accounting and paying over, as directed by law, all moneys which shall be received by them as such collectors. Such sureties shall severally justify, under oath, to be endorsed on said bond, in sums which, together, shall constitute at least double the amount of the penalty of the bond, to be approved by the common council. The bond shall be filed with the clerk of the county of Kings; and if not filed within twenty days after the collectors shall be notified of their election, the office shall be deemed vacant; and no collector shall enter upon the duties of his office until said bond shall be duly executed, approved and filed. The collector's sureties shall also be renewed during the term of his office, whenever and as often as the common council shall direct, and if not so renewed within twenty days after notice to the collector, his office shall be deemed vacant. Bonds.

§ 3. The common council may, by resolution, suspend a Suspension of collectors.

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* As amended. Laws of 1855, Chap. 496. By the same act the office of collector of taxes of the eastern district, as provided by this section before it was amended as above, was abolished, and all the other provisions of this title are made applicable to the collector of the whole city by this section, as amended, to be elected.

collector for official neglect or misconduct, in which case they shall immediately cause written notice, with a copy of the charges thereof, to be left at his office; they shall then proceed to investigate the charges against him, and if such charges are sustained, may remove him from office in the manner hereinbefore provided for the removal of other officers of the city government.

Assistant collectors.

§ 4. Each collector shall, as soon as may be after he has taken upon himself the execution of his office, appoint some proper person assistant collector of taxes and assessments, to hold his appointment during the pleasure of such collector, and he shall, as often as a vacancy shall occur in the office of assistant collector, appoint another in his place; and whenever a vacancy shall occur in the office of collector, the said assistant collector shall execute the powers and discharge the duties of collector until another collector shall be appointed.

Deputies.

§ 5. Each collector may also, with the consent of the common council, appoint as many deputies as he may think proper, who shall hold their appointment during the pleasure of the common council. Every appointment of an assistant collector, or of a deputy collector, shall be in writing, under the hand and seal of the collector, and shall be filed in the office of the clerk of the county; and every such assistant or deputy shall, before he enters on the execution of the duties of his office, take the oath prescribed in the constitution, and the collector may require of him a bond and sureties for the performance of his duties. Any default or misfeasance in office of any such assistant or deputy shall be deemed to be a breach of the condition of the bond given by the collector who appointed him.

Their powers.

§ 6. Each assistant collector shall have the same power as the collector, except that of the appointment of deputies; and the collector, assistant collector, and deputy

collectors shall have the same powers as the collectors in the several towns in this state; but such assistants and deputies shall, in the exercise of their powers, be subject to the direction and control of the collector.

Renewal of bond.

§ 7. If any person who shall have become surety for a collector shall, by notice in writing, to be served on the mayor or clerk of the common council, require the said collector to renew his official bond, such person shall be discharged from all future liability as such surety from and after the settlement of the accounts of the collector for moneys received prior to such discharge, who shall be required to make such settlement within thirty days after notice from the common council to that effect.

Expense of collection.

§ 8. There shall be added to and included in every tax and assessment levied and assessed in the city of Brooklyn, the sum of five per cent. upon the amount of such tax and assessment for the expense of collection, which, together with the amount to be added for neglect to pay within the time specified in the warrants of the collectors, as hereinafter provided, shall be for the use of said city. The common council shall fix the salary or other compensation to be paid to the collectors, their assistants and deputies, and pay the same to them out of the moneys raised by tax for city purposes; and neither the said collectors nor their assistants or deputies shall receive any other or further compensation for services or for other expenses of their offices; but the common council shall provide for said collectors all necessary desks, furniture, fuel, lights, books and blank forms.

Embezzlement or loaning of public moneys.

§ 9. If any collector, assistant collector or deputy collector shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, in any way, any portion of the moneys received or collected by him as such collector,

assistant or deputy collector, every such act shall be deemed and adjudged to be an embezzlement of so much of said moneys as shall be thus taken, invested, used or loaned, which is hereby declared to be a felony, punishable by imprisonment in a state prison for a term not exceeding five years.

Assessment rolls.

§ 10. The board of supervisors of the county of Kings shall cause the corrected assessment rolls of the several wards, or fair copies thereof, with warrants for collection, to be delivered to the respective collectors on or before the first day of October, in each year; and the common council shall cause every assessment roll made for any improvement in said city, or fair copies thereof, with a warrant for collection to be delivered to said collectors within ten days after the same shall be finally confirmed. But no warrant for the collection of any assessment shall be issued by the common council until all the proceedings had in laying said assessment shall have been examined and certified as correct by the street commissioner and the attorney and counsel of the city, which certificate shall be endorsed upon or annexed to the assessment roll, and shall be conclusive evidence as to the regularity of the proceedings.

Warrants.

§ 11. The warrants of the board of supervisors shall be under their hands and seals, or the hands and seals of a majority of them, and shall require the collectors, out of the moneys to be collected, to pay over to the city treasurer such sum as shall be raised for the city purposes, and to the county treasurer the residue of said moneys within one hundred and eighty days from the date of such warrants. The warrants of the common council shall be signed by the mayor, and shall be under the corporate seal of the city, attested by the clerk, and shall require the collectors to pay the moneys to be collected to the city treasury within one hundred and twenty days from the date thereof; and to collect from the several persons named in the

assessment roll annexed thereto the several sums mentioned in the last column of such roll opposite to their respective names, and shall not be renewable except in cases where the collection has been stayed by any legal proceedings; and in such cases the common council shall have power, after the cessation of such stay, to cause new warrants to be issued to the collectors for the full term of one hundred and twenty days, as if no previous warrant had been issued. This provision shall apply to all cases where the collection has been or hereafter may be stayed by any legal process or proceedings.

Abstract of rolls.

§ 12. As soon as practicable after the annual tax rolls shall have been delivered to the collectors, they shall, in books to be provided for that purpose, prepare an abstract of said rolls, adding thereto all taxes and assessments as shall from time to time thereafter become chargeable upon such property, to the end that said abstract shall at all times exhibit in a condensed form all existing charges against the property as accurately as practicable.

Paying over and accounting of collectors.

§ 13. The collectors shall receive the taxes and assessments mentioned in said rolls, and shall on the same day that they receive the same pay over to the city treasurer all moneys which shall have been received by them for taxes and assessments for city purposes or for local improvements, and render to the comptroller of the city a just and true account of the same. They shall also, every week, and as much oftener as required by the county treasurer, at the collector's office, render a like account of moneys received for taxes payable to the county treasurer, and at the same time pay over such moneys to the said county treasurer.

Taxes paid within thirty days.

§ 14. All taxes and assessments, which shall be paid to the collectors within thirty days after such tax or assessment roll shall have been delivered to them, shall be received

by them without any additional charge; on all taxes or assessments which shall be paid them after the expiration of thirty days, and within sixty days after such delivery, they shall add one per cent., and one per cent. shall be added for every thirty days thereafter until such tax or assessment shall be paid; when such per centage shall amount to ten per cent., from which time interest at the rate of seven per cent. per annum shall be added.

Sixty days.

Taxes unpaid after 180 days.

§ 15. If any of the taxes mentioned in the assessment rolls annexed to the warrants from the board of supervisors shall remain unpaid at the expiration of one hundred and eighty days from the time the said assessment rolls shall be delivered to them, and the collectors shall not be able to collect the same, they shall deliver to the county treasurer an account of the taxes so remaining due in their respective districts, with an affidavit as required by law of collectors of towns; they shall respectively be credited by the county treasurer with the amount thereof, and if any of the assessments mentioned in the assessment rolls annexed to their respective warrants from the common council shall remain unpaid at the expiration of the said one hundred and twenty days, and the collectors shall not be able to collect the same, they shall deliver to the comptroller of said city an account of the assessments so remaining due, with an affidavit as hereinafter mentioned.

Unpaid taxes credited to collectors.

§ 16. The county treasurer and comptroller respectively shall, upon receiving such account of unpaid taxes or assessments, compare the same with the original tax or assessment roll, and if he find it to be a true transcript thereof, he shall add to it a certificate showing that he had compared the account with the tax or assessment roll, and found the same correct; and after crediting the collector with the amount, shall, within fifteen days after receiving such account, transmit the account, certified as aforesaid,

with the collector's affidavit, back to the collector of taxes and assessments rendering such account.

Collectors' bonds, when to be sued.

§ 17. If the collectors shall refuse or neglect to pay to the city treasurer or the county treasurer the sums required by their warrants respectively to be paid them or either of them, or to account for the same if unpaid, as hereinbefore provided, within twenty days after the time when such payment ought to have been made, the common council shall, upon receiving notice thereof from the county treasurer or comptroller, cause the bond of such collector to be put in suit, and shall be entitled to recover the sum due from such collector, with costs of suit; and the moneys recovered shall be applied and paid by the common council in the same manner in which it was the duty of the collector to have applied and paid the same.

Treasurer and comptroller may receive taxes.

§ 18. The county treasurer and comptroller, respectively, may receive any tax or assessment while such accounts are in their hands, charging the additional per centage thereon, as hereinbefore provided. They shall give a receipt for such payments, and make return thereof to the respective collectors of taxes and assessments, who shall note such payment on the original tax or assessment roll or copy thereof in their offices.

Rejection of taxes for imperfect descriptions.

§ 19. Before any account of unpaid taxes shall be transmitted by the county treasurer to the collectors of taxes and assessments, he shall examine them, and reject all taxes which shall be found to be charged for personalty, or on lands imperfectly described, and shall furnish and transmit a certified statement of the same to the comptroller and the respective collectors of taxes and assessments, and the supervisors of the county, and shall from time to time furnish to the common council or its officers a full statement of the taxes remaining unpaid, or of the

sale of any lots or pieces of land for taxes, as may be called for by the common council.

Rejected taxes to be relevied.

§ 20. The said supervisors shall cause the amount of rejected taxes to be levied, in the next assessment rolls, on the taxable property of the respective wards in which they were before levied, and shall direct the same to be collected with the other taxes next collected in such wards; and the board of assessors shall cause said descriptions to be corrected in the next assessment rolls.

Rejected assessments.

§ 21. Whenever the street commissioner and the attorneys and counsel of the city shall reject any assessments for local improvements (which they are hereby authorized and empowered to do,) they shall forthwith report the same and the reasons therefor to the common council; and the common council shall, in case they shall have been rejected for irregularity in the proceedings, or for the imperfect descriptions of the lands, cause the amount thereof to be reassessed; and the common council are hereby authorized and empowered to have such reassessments made in the same manner as the original assessment should have been made; and such reassessment shall have the same effect as if the assessment had originally been properly made.

Unpaid assessments for want of jurisdiction.'

§ 22. The common council, in case any such unpaid assessments shall be rejected for want of jurisdiction in making the improvement, shall cause the expense of the proceedings and all damages consequent thereon to be added to the amount directed to be laid in the next annual taxes for city purposes, and when collected to be paid to the parties who shall be entitled thereto. Whenever any moneys shall have been paid for an assessment, and a reassessment shall be made in pursuance of this section, the amount shall be credited on such reassessment to the property on which the assessment was made; and in case of

Reassessments.

any alteration on the reassessment, whereby the amount so paid shall exceed the amount reassessed on the same property, such surplus shall be repaid to the person who may have paid the same; and in case it shall be insufficient to pay the amount reassessed, the deficiency shall be collected in the same manner as other assessments.

Unpaid assessment on real estate.

§ 23. Upon affidavit being made before the comptroller, or before any other person authorized to administer oaths in the county of Kings, by the collector to whom any warrant for the collection of any assessments shall be delivered as aforesaid, his assistant or one of his deputies, that the sums mentioned in any such account of assessments, rendered to the comptroller, by him, remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in possession of the persons residing in the city of Brooklyn charged with or liable to pay such sum whereon he could levy the same, and that within forty days after the warrant was delivered to him he caused a written or printed notice to be served personally on or left at the place of residence of the person or persons charged with or liable to pay such assessment, if a resident of the city, or if not a resident of the city, that he has deposited a notice in one of the post offices in said city, addressed to the person or persons assessed, at his, her, or their last known place of residence, and that he has also caused a notice to be published in the corporation newspapers of the district, designated as provided by this act, once a week for six weeks successively prior to the expiration of this warrant, which notice shall contain the name or title of the improvement, the names of the persons who have not paid, the amount due from each, the time when the warrant will expire, and that the property assessed will be returned for sale, if such assessment be not paid, such collector shall be credited by the comptroller with the amount of said account.

List of unpaid taxes and assessments to be published.

§ 24. Whenever any tax or assessment shall remain unpaid, and the rolls containing the same shall have been re-delivered to the collector by the county treasurer or comptroller, as aforesaid, such collector of taxes and assessments shall cause a list thereof, signed by him, to be published in the corporation newspapers of the district, designated as provided by this act, together with a notice requiring the same to be paid, with interest as aforesaid, and expenses, on or before a certain day, to be therein designated, which shall not be less than twelve weeks from the first publication thereof. Such list and notice shall be published once a week for twelve weeks successively in the corporation newspapers, describing, with all convenient certainty, the land taxed or assessed, specifying the street, avenue or road on which it fronts, on which side thereof, and near or between what streets it may lie, together with the name of the person to whom the same was taxed or assessed, and the name of the present owner when known to the collector.

Affidavit of publication.

§ 25. Evey printer by whom any such list and notice shall be published, shall within ten days after the last publication thereof, deliver to the collector of taxes and assessments, signing the same, an affidavit of due publication, made by some person to whom the fact of publication shall be made known.

Sale of lands.

§ 26. If any such tax or assessment remain unpaid on the day specified in said notice, the collector shall proceed to sell by public auction, at the city hall of said city, the property on which said tax or assessment shall have been imposed, for the lowest term of years for which any person will take the same and pay the amount of such tax or assessment, with the interest and expenses, and he shall continue the sale from time to time until all such lands shall be sold. He shall thereupon deliver to the purchaser a certificate of such sale, and note the same on the original

tax or assessment rolls, and on the abstracts hereinbefore directed to be kept in his office; such certificate of sale shall be recorded in the collector's office, in proper books kept for that purpose, and shall constitute a lien upon the lands and premises therein described, after the same shall have been so recorded; and no assignment of any certificate given on the sale of lands for any taxes or assessment shall have any effect until notice of the same, with the name and residence of the assignee, shall be filed in the office of the collector of taxes and assessments of the district in which the said lands are situated.

Mortgagees, notice to.

§ 27. No mortgagee, whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be divested of his rights in such property, unless six months' notice in writing of such sale shall have been given to him by the purchaser or of those claiming under him, personally, if a resident of the county of Kings or a county adjoining thereto, and if not such a resident, then upon the owner of the premises, if he be a resident of Kings county or a county adjoining thereto, and by depositing such notice in one of the post offices of said city, directed to the mortgagee at his place of residence, as stated in the mortgage or assignment thereof; but nothing herein contained shall be so construed as to impair the lien created by such sale.

Affidavit of service.

§ 28. Within a month after the service of such notice, it shall be the duty of the person serving or causing the same to be served, to file, in the office of the collector of taxes and assessments of the district, a copy of the notice served, together with the affidavit of some person, who shall be certified by the officer before whom said affidavit shall be taken to be a creditable person, proving the due service of said notice.

Redemption.

§ 29. The owner, mortgagee, occupant or any other person interested in such land may, at any time within two

years after the sale for either tax or assessment, redeem the said land by paying to the collector of taxes and assessments in the district in which said lands are situated, for the use of said purchaser, the said purchase money, together with any other tax or assessment which the said purchaser may have paid, chargeable on said land, and which he is hereby authorized to do, provided a notice thereof has been filed in the office of such collector, with fifteen per cent. per annum in addition thereto, and the certificate of such collector, stating the payment, and showing what land such payment is intended to redeem, shall be evidence of such redemption. The mortgagee shall have power to redeem at any time until after the expiration of the six months specified in the twenty-seventh section of this title.

Conveyance, when to be made.

§ 30. Upon the receipt of such moneys by such collector, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, and all proceeding in relation to said sale shall cease; but if said moneys shall not be paid according to the exigency of said notice, such collector shall proceed to execute a conveyance of the property so sold, as hereinafter provided.

Infant and incompetent owners.

§ 31. Whenever such collector shall receive satisfactory information that the land so sold belongs to an idiot or insane person, for whose estate no committee shall have been appointed, or to an infant having no guardian, he shall not execute a conveyance of their lands until at least one month after he shall have legal evidence that such disability has been removed, or a committee or guardian of their estate has been appointed. And until the expiration of said month such committee or guardian may redeem such land, in the manner hereinbefore provided.

Collectors' duties in relation to unpaid taxes.

§ 32. The said collectors shall note all payments made to them after any account of unpaid taxes or assessments shall be sent back to them by the county treasurer or

comptroller, as aforesaid, and if a sale be had they shall also note that fact on the original tax or assessment roll, or copy thereof, in his office, and the memorandum of payment on any tax or assessment roll, or copy thereof, in the office of such collector, shall be sufficient evidence of such payment. They shall also forthwith, upon receiving the same, render to the treasurer of the city an account of the proceeds of any sale for unpaid assessments, and of any money received or collected by them that may be paid to such treasurer, and at the same time pay over the said moneys received by them; and said collectors shall also render to the treasurer of the county an account of the proceeds of any sale for unpaid taxes, and of any moneys received or collected by them that may be paid to such treasurer, and at the same time pay over said moneys received by them.

onveyances.

§ 33. The collector of the district where the land sold for any tax or assessment shall not have been redeemed, as by this act provided, shall execute to the purchaser or his assigns, pursuant to the terms of sale, a proper conveyance of the lands so sold by him, which shall contain a brief statement of the proceedings had for the sale of said lands, and shall be evidence that such sale and other proceedings were regularly made and had according to the provisions of this act. He shall also forthwith note the same on the assessment rolls and abstract kept in his office. The grantee shall be entitled as against all persons whomsoever to the possession of said premises, and to the rents, issues and profits thereof, pursuant to the terms of his conveyance, and shall be entitled to obtain possession of his lands by summary proceedings, in the same manner as is provided by law for the removal of persons who hold over or continue in possession of real estate sold by virtue of an execution against them.

TITLE VI.

OF THE DAY AND NIGHT POLICE DEPARTMENT.*

Officers.

SECTION 1. The department of police shall consist of one chief, one captain for each police district, and such number of policemen under each captain as the common council may from time to time designate.

Chief.

§ 2. The chief shall be elected by the city every three years. He shall have an office in the city hall, where he shall be in attendance at such hours as shall be fixed by the common council, and shall receive a salary to be fixed by said common council.

Powers.

§ 3. He shall have power within the county of Kings to issue process, directed to some other proper officer, for the apprehension of persons charged with any offence, and to exercise all the powers and duties conferred upon aldermen and justices of the peace in and by title second, chapter second, part fourth of the revised statutes of the state of New York; and in all such cases he shall proceed in the same manner and be governed by all laws relative to justices of the peace, in like cases. He shall be chief of the police department, and the medium of correspondence with the police authorities of other cities and towns.

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* By the act entitled "An Act to establish a Metropolitan Police District and to provide for the government thereof," passed April 15, 1857, all provisions of law inconsistent therewith are declared to be repealed; and "wherever in any statute not inconsistent with that act the word chief of police shall occur, it shall be taken to mean general superintendent of police; in like manner the word captain of police shall be deemed to mean inspector or captain of police; in like manner the word lieutenant or assistant captains of police shall be taken to mean sergeants of police; and the words policemen and patrolmen shall be identical in meaning in any act not repealed by this act."

He shall receive the reports from the several captains of the districts of the city, keep all proper books, registers and records in his office, under the direction of the common council; report to the corporation attorney all violations of city ordinances that come to his knowledge; and shall obey and cause the police department to obey the rules and regulations prescribed by the ordinances of the common council. He shall repair to the scenes of fire and riot, and take command of the police there present; may at any time direct all or any of the police of the city to any place where their services may be deemed necessary, and shall perform all such other duties as may from time to time be prescribed by the ordinances of the common council; but nothing herein contained shall be taken to abridge the power of the mayor as the chief executive officer of the city.

Clerks.

§ 4. The common council may, if they deem it necessary, provide for the allowance of a clerk to the chief, and shall fix his compensation. Such clerk shall be appointed and removed at pleasure by the chief.

Captains.

§ 5. The captains of the police districts shall be elected every two years, and shall receive a stated salary, to be fixed by the common council; each of the captains shall keep an office at the office of the police district within which his ward shall be situated, and shall keep all such books, registers and records as may be necessary for the proper performance of his duties or as the common council may prescribe.

Duties of captains.

§ 6. Every captain of police shall perform, within the district for which he shall be elected (aided and assisted by the policemen of the ward or wards,) such duties in relation to the inspection of wells and pumps, of lamps, of public cisterns, of pavements and side-walks (so far as to report the actual condition of the pavements and side-walks

to the proper authority,) and hacks, cabs, carts and sleds as the common council shall direct, together with such other duties as marshals, health and fire wardens, keepers of public lands and places, as said common council shall prescribe.

Complaints.

§ 7. Each of said captains may entertain complaints in all cases where crimes or offences have been committed, may issue a precept to arrest any person charged with having committed a crime or offence (such process to be executed by some other proper officer,) and may detain the person so arrested for examination; such examination to be made by the chief of police, or by some person authorized by law to take the same.

Report of crimes.

§ 8. He shall duly report to the chief of police all crimes which may have been committed, and all arrests for crimes or breaches of the peace that may have been made within his district; he shall report all violations of the corporation ordinances within his district to the corporation attorney, with the names of witnesses, and shall also perform such other duties as may be prescribed from time to time by the ordinances of the common council.

Policemen and lamplighters.

[§ 9. The aldermen of each ward shall nominate, and by and with the consent of the mayor, appoint so many policemen and lamplighters as may be designated or appointed to their respective wards; and in case of their disagreement, or in case one of said aldermen shall neglect or refuse to join in any nomination, the mayor shall decide between them in relation thereto, and may consent to appoint such persons as may be nominated by either of them].*

Police districts.

§ 10. For all purposes of the police department, the

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* As amended. Laws of 1855, Chap. 299.

city shall be divided in so many districts as the common council may from time to time designate. There shall be erected or procured in each police district a suitable building, to be called the district police office, in which shall be contained suitable offices for the accommodation of the captains and police department. Such police office shall also be the station house for the night police of the same district.

Ward policemen.

§ 11. The common council shall, by ordinance, fix and apportion from time to time a certain number of policemen for each ward, who shall possess all the powers, and under the direction of the captains of the district shall perform all the duties specified in the sixth section of this title, together with all other duties and services which may be prescribed by the ordinances of the common council.

Duties of policemen.

§ 12. It shall be the duty of the policemen to obey such orders as they may from time to time receive from the chief of police and the captains of their districts regarding their duty; to report to the captains of the district all violation of the corporation ordinances, with the names and residences of witnesses; to preserve the public peace; to be vigilant for the prevention and discovery of crime, and the detection of criminals; to report to the captains of their respective districts all crimes or offences committed in the city; to arrest all persons in the actual commission of crimes, misdemeanors, breaches of the peace or violations of corporation ordinances; to execute all criminal process issued by the chief of police or captains, or by an inferior court of criminal jurisdiction, which is now or may hereafter be established by the legislature for the city of Brooklyn, or that may be issued by any other officer authorized to issue criminal process; to report to the captains of their respective districts all suspicious persons, houses of ill fame, receiving shops, pawn brokers' shops, gaming houses, and all places where idlers, tipplers, gam-

blers and other disorderly and suspicious persons congregate, and perform such other duties from time to time as the common council may direct.

Policemen to be present at fires.

13. At any alarm of fire, it shall also be the duty of the policemen forthwith to proceed to the scene of conflagration, and to be diligent in preserving order and protecting property; and in case of any riot or public disturbance, requiring the services of the police, they shall forthwith proceed to the scene of riot, and, under the direction of the mayor, chief of police, and captains, or either of them, aid in suppressing the same.

Chief may suspend policemen.

§ 14. The chief of police may suspend any policeman in the city; in all such cases he shall, within twenty-four hours thereafter, notify the mayor and the aldermen of the ward to which said policeman may belong, thereof in writing, specifying the grounds for such suspension, and the names of the witnessesto establish the charge. In every case the mayor shall cause written notice to be given to the accused, to afford him an opportunity to be heard in his defence. The mayor and at least one of said aldermen shall examine witnesses under oath upon the charges and for the defence, and may for cause continue the suspension, remove the party from office, or restore him to duty. The mayor shall have power to issue subpœnas to require the attendance of witnesses on the trial of such cases, and disobedience of such subpœnas shall render the parties liable to the penalties provided by law in courts of record. The testimony shall be reduced to writing, and, together with the decision of the mayor and the said aldermen thereon, shall be filed in the office of the clerk of the city.

Compensation.

§ 15. The police shall receive a per diem compensation for each day they shall be employed on duty, which compensation shall from time to time be regulated and fixed by the common council.

§ 16. No person connected with the police department shall be liable to military duty.

§ 17. The mayor or chief of police shall, from time to time, detail such policemen as he may deem proper, to act as messengers of the mayor and of the common council, to attend the meetings of that body, and to attend and preserve order in all courts and public assemblies in the city. Each captain shall detail a sufficient number of policemen within his district to attend the polls on the days of election. Policemen at meetings of board and election.

§ 18. No fees or compensation shall be charged or received by any chief of police, captain, policeman, clerk or other officer connected with the police department for any services performed by them as such officers, other than their stated compensation, except in special cases, with the approbation of the mayor. Any officer violating this provision shall be deemed guilty of a misdemeanor, and shall be subject to the fines and penalties provided for such offence. Fees prohibited.

§ 19. All fees and costs heretofore paid by the supervisors of the county of Kings, for services rendered for said county by any justice of the peace or police justice, or by the constables or marshals of the city, shall, when similar services are rendered by any officer of the police department, be collected and paid into the city treasury in such manner as the common council shall by ordinance prescribe. Fees and costs of justices to be paid into the treasury.

§ 20. Any person arrested in pursuance of this act for the violation of any ordinance, by-law or regulation of the common council, or of the board of health, may be taken before the police justice or either of the justices elected by virtue of "an act to establish courts of civil and criminal jurisdiction in the city of Brooklyn," passed March twenty-fourth, one thousand eight hundred and forty-nine, who Fines and penalties, how imposed.

shall thereupon have authority to impose upon such person a fine, not exceeding the penalty prescribed by the ordinance which such person shall be proved to have violated, and to commit such person to the county jail of Kings county for a period not exceeding thirty days, or until such fine shall be paid.

Assistant captains.

§ 21. The common council shall have power to designate one or more policemen, in each of the police districts established by law, as assistant captains, who shall have all the powers of the captain of such districts whenever such captain is disabled, absent or not on duty, and whose term of office shall continue and expire at the same time with the term for which the respective police captains were elected.

TITLE VII.

OF THE FIRE DEPARTMENT.*

Fire districts.

SECTION 1. The fire department of the city shall be divided into two separate and distinct organizations, viz: One for the eastern district and one for the western dis-

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* Some of the provisions of this title, especially those portions of it included in brackets, are modified by Laws of 1857, Chap. 33, entitled "An act for the better regulation of firemen in the city of Brooklyn," passed February 17, 1857, and Chap. 304, entitled "An act to incorporate the fire department of the Eastern District of the city of Brooklyn," passed April 7, 1857; the former providing for five commissioners for the Western District, and the latter for the same number of commissioners for the Eastern District, with authority in their respective districts, subject to the approval of the common council, to inquire into all applications for fire companies, or for appointments as firemen; to have cognizance of all complaints against firemen and fire companies for riotous or disorderly conduct at fires or alarms of fires; or for violation of the state laws or city ordinances, and to remove and suspend firemen, and to disband such companies; to nominate bell-ringers to the common council for the Western District, and to the mayor for the Eastern District.

trict. Each organization shall consist of one chief engineer, and as many assistant engineers, firemen, hosemen, axemen, and hook and ladder men, as shall from time to time be elected by the firemen of each district, and approved by the common council; but the present members of the fire department shall continue to be such, without any new appointment under this act. The powers of the chief engineer and assistant engineers shall be confined to their respective districts. The fire department of the present city of Brooklyn, as at present constituted, shall with its additions form the organization for the western district, and the fire department of the city of Williamsburgh, as at present constituted, shall with its additions form the organization for the eastern district. Except in cases of "general alarm," the companies may not attend fires out of the district in which they are located; in all cases, however, all companies attending a fire shall be under the control of the engineers in whose district the fire may be. [The firemen of both districts shall be under the control of the common council;] and all the fire engines and other fire apparatus, now belonging to the different municipalities hereby consolidated, shall be owned by the city.

Wardens.

§ 2. The mayor and the members of the common council shall be fire wardens, and they, together with such other fire wardens as the common council may appoint, in the manner now or hereafter prescribed by law, shall possess such powers and perform such duties as the said common council may from time to time prescribe.

Engines and apparatus.

§ 3. The common council shall procure fire engines and other apparatus used for the extinguishment of fire, and provide suitable engine houses and other places for keeping the same, and have the charge and control thereof. [They shall have the power to organize fire, hook and ladder, hose, bucket and axe companies, and to reorganize the present fire department if they think proper.]

Rules and fines.

§ 4. It shall be the duty of the common council to make rules and regulations for the government of the officers and men attached to the said department, and to impose such penalties and fines for a violation thereof, not exceeding one hundred dollars, as the said common council may deem proper; [and for incapacity, neglect of duty or gross misconduct, the said common council may disband any of said companies, suspend or expel individuals, members thereof, in the manner and with the restrictions hereinbefore provided for the removal of officers of the city government.]

Exemption.

§ 5. Every member of said department shall be entitled to the same privileges and exemptions from military or jury service as they are now entitled to by law. Their names shall be registered by the clerk of the city in a book to be provided for that purpose, and a certificate from said clerk, under the corporate seal of the city, of the appointment of any person as a fireman, and of the time thereof, countersigned by the foreman of the company to which such a person may belong, shall be competent evidence to show that such a person is a fireman, and at the time of such countersigning was actually serving as such.

Fines to be kept as a fund.

§ 6. All fines and forfeitures accruing within the said districts, under the laws of this state or the ordinances of the city relative to the extinguishment of or proceedings at fires, shall be applied to the fire department fund of said district, for the benefit of indigent and disabled firemen, and the families of deceased firemen.

Injured firemen.

§ 7. Any member of the fire department who shall, while in the performance of his duty, be maimed or injured, so as to be rendered thereafter unable to perform the duties of a fireman, shall receive a certificate of discharge, which shall entitle him to all the privileges of a fireman whose time has been regularly served, and shall also be

entitled to the benefits of the law regulating discharged firemen in the city of New York. The common council shall provide by ordinance for the granting of certificates of discharge to such firemen as shall be entitled to the benefits of said law.

Gunpowder.

§ 8. The common council shall pass such ordinances as it may deem proper for regulating the storage of gunpowder and other articles of a combustible nature, and fix the penalty for any violation of the same. All penalties recovered under such ordinances shall be for the benefit of the fire department fund of the district in which the violation occurs, and shall be paid over to the officers authorized to receive the same.*

Destruction of buildings to arrest fires.

§ 9. When a building shall be on fire in said city, the mayor, with the advice of the chief engineer of the district, or in his absence, under the advice of two of the assistant engineers, and with the concurrence of two members of the common council, or in the absence of the mayor, three of the common council, with the like advice, may order such building or any adjoining building to be pulled down or otherwise destroyed, if they shall deem it likely to convey the fire to another building.

Fire limits.

§ 10. The common council may from time to time, by ordinance, designate limits in said city of such extent, metes and bounds as they may deem proper, within which all buildings, to be erected after the expiration of three calendar months from the passage of such ordinance, shall be built of brick or stone, or materials other than wood, and in such manner as they may determine and specify in such ordinance. Said ordinance shall be published in the corporation newspapers at least once a week for the space

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* See Laws of 1855, Chap. 332, and Laws of 1857, Chap. 768.

of three calendar months after the same shall have been passed, and before it shall take effect as law.

Former limits.

§ 11. Any such limits heretofore designated by the said common council shall remain and continue with the same effect, and the same provisions shall apply thereto, as if established in exact conformity with the provisions of "An act to amend the act to incorporate the city of Brooklyn," passed April twenty-nine, eighteen hundred and thirty-five, and as if the ordinances heretofore passed in relation thereto had been duly passed, approved and published, and the said limits shall continue, and the provisions of law now applicable, or which may be applied as aforesaid thereto, shall remain in full force, except as the same may be modified by this act or the ordinances passed in pursuance thereof.

Enlargement of limits.

§ 12. Any such limits, heretofore designated or hereafter to be designated, may be enlarged from time to time by the common council, as the public good may be deemed to require, upon the written petition of any owner of property within the territory proposed to be included in said limits, provided that such enlargement is not remonstrated against by a greater number of owners in the said territory than petition therefor, after the notice of such application shall have been published, as hereinafter required; and all provisions of law inconsistent herewith are repealed.

Notice of petition.

§ 13. If any such application shall be presented to the common council, they shall cause notice thereof to be published in all the newspapers employed by them at least once a week for six weeks successively, and that they will proceed to act upon such petition on a day therein to be specified, which shall be after the expiration of the said six weeks, and they shall publish with such notice, as a part thereof, a description of the territory proposed to be so designated, or which it is proposed to include within any such limit.

§ 14. Any building erected in any such district previous to the designation or enlargement thereof, and covered with boards or shingles, may be repaired or new roofed with boards or shingles; and all steeples, cupolas, and spires of churches and other public buildings, and all privies not exceeding ten feet square, and lime houses the height of which shall not exceed ten feet exclusive of the roof, may be built of wood and boards, and covered with boards or shingles. Present building may be repaired.

§ 15. If any building shall be erected or roofed contrary to this act, or to the provisions of any such ordinance, the owner or owners thereof shall for every such offence forfeit and pay the sum of two hundred and fifty dollars, to be recovered, with cost of suit, in any court of record within this state, by the city, for the use of the fire department of the district; and every such building erected or roofed contrary to this act, or to the provisions of such ordinance, shall be deemed a common nuisance, and the owner or occupant thereof may be indicted therefor, and on conviction shall be punished by fine or imprisonment, as the court having cognizance thereof may deem proper, and such court shall also order and cause such nuisance to be abated or removed. Penalty.

§ 16. Any person who shall be or shall have been injured or damaged by reason of the pulling down or destruction of any building in said city, for the purpose of preventing the spreading of fire, pursuant to authority granted by section fifty-seven of an act to incorporate the city of Brooklyn, passed April 8, 1834, and section nine of title seven of the act hereby amended, may institute against the said city an action to recover compensation for such injury or damages; and in case of a final judgment being recovered in such action against the city, the amount so recovered, with interest and all the costs and expenses of the city in the defence of such suit, shall be added to and collected with the amount to be raised by the Damages for pulling down buildings.

general tax in said city. In any such suit the plaintiff or plaintiffs shall recover for only such damage or injury as he or they shall be proved to have sustained beyond what apparently would have been sustained from the fire, to prevent the spread of which such building was so destroyed or damaged. And no execution shall issue upon any such judgment, but the amount thereof shall be paid by the city of Brooklyn, out of the amount added to and included in the next general tax, as herein provided, when collected.

Suits for fines.

§ 17. The fines and penalties prescribed by this title, and by any ordinance passed or which may be passed by the said common council for establishing fire districts, or the prevention of fires, or for regulating the storage of gunpowder and other articles of a combustible nature, shall be sued for and recovered by the fire departments of the city.

Board of fire wardens.

§ 18. The board of officers of the fire department of the city of Brooklyn may, at its first meeting after this act shall take effect, nominate, for the office of fire wardens, five firemen or exempt firemen who shall have served at least seven years in the fire department of said city, and if such persons be approved by the common council, they shall be appointed and shall be known as the board of fire wardens. The said wardens shall perform such duties and receive such annual compensation as the common council may from time to time prescribe, not exceeding three hundred dollars for each. The chief and assistant engineers of said department for the time being shall be ineligible to the office of fire warden.

Fire wardens.

[§ 19. The board of trustees of the corporation known as "the fire department of the city of Brooklyn," at their first meeting after the passage of this act, shall nominate for the office of fire wardens of the western district of said

city, five firemen or exempt firemen who shall have served at least five years in the fire department of said city, which nominations shall be submitted to the common council of said city at their next regular meeting after such nomination by said board; and if such nomination shall be approved by said common council, the persons so nominated shall be the fire wardens of said city; but if such nominations, or any of them, shall be disapproved by said common council, other persons, qualified as aforesaid, shall forthwith be nominated by said board to said common council for their approval, and so as often as may be necessary until said offices shall be filled. If the common council shall neglect to approve or disapprove any nomination for one month after the same shall have been submitted to them, the person so nominated shall be deemed duly appointed to said office. All subsequent appointments to said office shall be made in the manner above provided.

Term of office.

[§ 20. The said fire wardens shall thereupon and within one week after such regular meeting of said common council, determine by lot the term of office of each, in the manner following: five tickets shall be prepared, upon two of which shall be written the words "one year," upon two others the words "two years," and upon the remaining ticket the words "three years," and such tickets shall be deposited by one of said wardens, in a box, or other convenient receptacle, at some suitable place in said city; and thereupon each warden present at the drawing of said tickets shall draw one of said tickets, and at least a majority of said wardens shall be present at such drawing: and in case the other warden or wardens shall be absent at the time of such drawing, any one of the wardens present may draw for such absent warden or wardens: and the warden who shall draw, or for whom shall be drawn the ticket containing the words "three years," shall hold the office of fire warden of said city for the term of three years from

the time of such drawing; and the warden who shall draw, or for whom shall be drawn a ticket containing the words "two years," shall hold such office for the term of two years from the time of such drawing; and the warden who shall draw or for whom shall be drawn a ticket containing the words "one year," shall hold such office for the term of one year from the time of such drawing. The result of said drawing shall be duly signed by the wardens or a majority of them, and filed by the secretary of the board of trustees. The time and place of such drawing shall be designated by the board of trustees, and each of said wardens shall be notified of such time and place at least one day prior thereto, by the secretary of the board of trustees of said fire department, personally or by written notice to be left at the dwelling of the warden or wardens so notified.

Vacancies, how to be filled.

[§ 21. At the first regular meeting of said board after the first day of July, eighteen hundred and fifty-six, two firemen, or exempt firemen qualified as aforesaid, shall be nominated by said board and appointed in the manner aforesaid, to fill the place of said wardens who shall have been designated for the term of one year; and the persons so appointed shall hold such office for the term of two years from the expiration of the term of office of such wardens as shall have been designated as aforesaid for the term of one year; and thereafter the term of office of four of said wardens shall be two years, and of the other of said wardens three years. And the said board shall annually, at their first regular meeting after the first day of July in each year, supply the vacancies in said office happening during such year by the expiration of the term of said office, in the manner aforesaid, and for the term of two or three years as the case may be. No person except firemen or exempt firemen qualified as aforesaid, shall be eligible to said office.

[§ 22. Any of the fire wardens of said city may at any time be removed from office by said board for neglect or misconduct in office; but no warden shall be removed unless written charges and specifications of such neglect or misconduct shall have been first presented to such board, and a copy thereof served personally upon the person accused, and until a reasonable opportunity shall have been afforded to such person to defend himself before said board in person, and by his counsel and such witnesses as he may produce. Removals.

[§ 23. All vacancies which may happen in the office of fire warden of the western district of said city by removal from office or otherwise, shall be supplied by said board in the manner aforesaid, as soon as may be after the happening of such vacancy; and all persons who may be nominated to supply any vacancy shall hold office only for the balance of the term in which such vacancy may have occurred. Vacancies.

[§ 24. The said fire wardens shall perform such duties and receive such annual compensation as the said common council may from time to time prescribe, not exceeding three hundred dollars per annum for each. They shall constitute the board of fire wardens of the western district of said city. The chief engineer of the western district of the fire department of said city for the time being shall be ineligible to the office of fire warden.]* Duties and compensation.

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* Sections 19, 20, 21, 22, 23 and 24 were added by Laws of 1855, Chap. 107. Three fire wardens for the eastern district, with similar powers, duties, rights and liabilities with those here provided for the western district, are authorized by the Laws of 1857, Chapter 304, entitled "An Act to incorporate the fire department of the eastern district of the city of Brooklyn," passed April 17, 1357. Section 18 of this title appears therefore to be nugatory.

TITLE VIII.

OF COMMISSIONERS OF EXCISE.*

TITLE IX.

OF THE BOARD OF HEALTH.

Board of health.

SECTION 1. The aldermen of said city, or such number of their body as the common council shall designate, shall constitute a board of health, and the mayor, or in his absence or inability to act, the president of the board of aldermen shall be president thereof. The city clerk shall be clerk of said board, and shall keep a journal of its proceedings.

Mayor to preside.

§ 2. It shall be the duty of the mayor or the president of the board of aldermen, at all meetings of said board, when he shall be informed of any matter requiring the action of the board of health, to lay such matter before them, and they shall thereupon proceed to consider and act upon the same. The said board may also be convened at any time by notice from the clerk, under the direction of the president or any two of the members, for the transaction of business; and the said board of health shall have, possess and exercise the same power and authority in said city as the board of health in the city of New York.

Office.

§ 3. The board shall designate a place to be called the "office of the board of health," at which the president or one or more of the members shall attend daily (Sunday excepted,) from the first day of June to the first day of October, in each year, and they may so attend on Sunday,

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* Repealed by Laws of 1857, Chap. 628, entitled "An Act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857.

if necessary; and the person or persons so attending shall enter in a book, to be kept for that purpose, all matters which shall come before or be transacted by them as president or members of the board of health.

Approach of vessels.

§ 4. No vessel subject to the examination of the health officer of the port of New York shall approach to the city of Brooklyn beyond the place which shall, at the time of such approach, be assigned for quarantine, without a permit from him, countersigned by the president of the said board of health.

Physicians to report cases of malignant sickness.

§ 5. Every person practising physic in the said city, who shall have a patient sick of any malignant, infectious or contagious disease, shall make and file a written certificate thereof in the office of the board of health, stating the name of such patient, and the house and place where he shall then be, and the board of health may require any such physician to make and file in said office, within such time as they may prescribe, not less than three hours after service of a copy thereof upon him, an affidavit, stating therein whether he has or has not any patient, who, in his opinion, shall then be sick of any such disease, and if he has any such patient, to state in such affidavit his or her name, and the house or place in said city where he or she shall then be, and the nature or name of such disease, to the best of his knowledge and belief.

Boarding-house keepers to report.

§ 6. The common council may, by ordinance, require every person keeping a boarding or lodging house in said city, within six hours after any seafaring man or sojourner shall be sick in such house, to file in the office of the mayor of said city, a certificate thereof, signed by him or her, stating the location of such house and the name of such diseased person.

Sick persons not to be removed from vessels.

§ 7. No person shall remove any sick person from any vessel or from any other place in said city without written

permit for that purpose, granted by the president or one of the members of the board of health of said city.

Hospitals.

§ 8. The board of health of said city shall have the charge, control and management of all lands, buildings and premises thereon, which may be purchased, owned, leased or hired by the common council for the purpose of a hospital or hospitals, and for the purpose of preserving the health of the inhabitants of said city. It shall possess and may exercise the following powers:

Powers of board.

1. By proclamation to prohibit or regulate the intercourse by land and ferries, or otherwise, between this city and any place or places where they may be informed that any infectious or contagious disease shall prevail.

2. By resolution to direct any vessel lying at a place within three hundred yards of any wharf, landing place or shore of said city, and from which they shall deem it probable that any infectious or contagious disease may be brought into said city or communicated to the inhabitants thereof, to be removed to the distance of at least three hundred yards from any wharf, landing place or shore of said city, within six hours after a copy of such resolution, certified by the city clerk, shall be delivered to the person or persons having the command of such vessel, or to the master, owner or consignee thereof; and every such person or persons, master, owner or consignee to whom such copy of such resolution shall be delivered, shall forthwith comply with the same.

3. By resolution to direct to be removed to the hospital of said city, or other place to be designated by them, all persons sick of a malignant, infectious or contagious disease, and all things within the city, which, in their opinion, shall be infected with any matter likely to communicate disease to the inhabitants, and to cause such resolution to be carried into effect.

4. By resolution to direct any bedding, clothing, putrid or unsound beef, pork, fish, hides or skins of any kind, or any other articles found within said city, and which, in its opinion, shall be dangerous to the health of the inhabitants thereof, to be destroyed by casting the same into the East river, below low water mark, at a suitable distance from the shore, or in such other manner as it may direct; and it may employ such person or persons as it may deem proper to remove or destroy such articles; and every person who shall in any manner resist or hinder any person so employed, shall be deemed guilty of a misdemeanor.*

Penalties for violating rules.

§ 9. Every person who shall violate, or neglect, or refuse to comply with any provision contained in this title, or in the proclamation or resolution made or passed by the board of health in pursuance thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two hundred and fifty dollars, or imprisonment not exceeding six months, or both; and all such fines when collected shall be paid to the treasurer of said city for the use of the said board of health.

Health officer's duties.

§ 10. The health officer of said city shall visit all sick persons who shall be reported to the board of health in pursuance of this title, and report to the board of health in writing, his opinion of their sickness; and he shall attend at said office at such times as the board shall direct,

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* By Laws of 1857, Chap. 412, entitled "An act for more effectually guarding against the spread of pestilential diseases," the additional power is conferred upon the board of health of Brooklyn, of ordering any vessel at the wharves of the city, or *in their vicinity*, to the quarantine ground, or some other place of safety, and requiring all persons, articles or things introduced into the city from such vessel to be seized, returned on board thereof, or removed to the quarantine or other place of safety.

for the purpose of conferring with the president or other members of the board in relation to the health of said city. He shall visit and inspect all vessels coming to the wharves, landing places or shores of said city, or within three hundred yards thereof, which are suspected of having on board any infectious or contagious disease, or likely to communicate the disease to the inhabitants of said city, and all stores and places within said city which are suspected to contain putrid or unsound provisions, or other articles likely to communicate disease to the inhabitants, and make and sign a report in writing, stating the vessel, stores, places and articles so inspected by him, and the nature, state and situation thereof, and his opinion, in relation thereto, as to the probability of disease being communicated by or from the same, and file such report in the office of the board of health. He shall also discharge such other duties as shall from time to time be prescribed to him by the board of health.

Power to borrow money.

§ 11. The common council are hereby authorized to procure on loan on the credit and faith of the city, from time to time, such sum or sums of money as a majority of the aldermen elected may deem necessary to pay losses or expenses, not provided for in this act, which may arise from any accident by flood, fire or otherwise, or to pay any expenses necessarily incurred in the protection and preservation of the health of said city and its inhabitants, in case of any prevailing epidemic disease or sickness, provided that the sums of money so to be procured shall in the first case be declared to be necessary and proper by a certificate to be signed by the mayor, county judge, and street commissioner, and in the latter case by a certificate to be signed by the mayor, health officer of said city and the presiding officer of the Kings county medical society, which certificates shall be presented to the common council before they shall take any action in the matter, and the

money so obtained shall be applied only to the specific use and purpose for which it shall be so borrowed. The amount so raised and borrowed shall be levied, assessed and collected in the next annual tax in the same manner as the other expenses of said city.

TITLE X.

OF THE FINANCIAL DEPARTMENT.

Finances.

SECTION 1. The accounts of the city and management of its finances shall be under the direction of the comptroller of said city, subject to the provisions of this act and to the ordinances of the common council.

Classification of accounts.

§ 2. The said accounts shall be distributed in three distinct classes: the first of said classes shall embrace all such expenditures as are to be made out of money raised by general tax, and shall be called the general fund; the second, such as are to be made out of money raised by a special or local tax or assessment, and shall be called the special fund; and the third class shall consist of accounts of the sinking fund. And no money raised for the use of one of said funds shall be at any time used for the purposes of either of the other of said funds.

General fund.

Special fund.

Sinking fund.

§ 3. The accounts of the general fund shall always exhibit the receipts and expenditures of each department of the city government, and no receipt of expenditure of money shall at any time be charged or credited to any other than its appropriate account. The accounts of the special fund, in addition to the general account of said fund, shall at all times exhibit the amounts received and paid under each item composing said fund, with the amounts received and paid for interest on each. The sinking fund account shall exhibit the amounts received into said fund,

specifying from what sources they have been received, together with the amount and description of securities belonging to said fund.

Debts of the respective cities to be paid.

§ 4. The faith of the said city and the property now belonging to the present cities of Brooklyn and Williamsburgh, respectively, are pledged for the final payment of all moneys heretofore borrowed or raised by said cities respectively under or by virtue of any law of this state; and until said several sums of money shall be fully paid, there shall be levied and collected, by a general tax on that part of the city embraced in the present city of Brooklyn, in the same manner as other taxes of said city at large, the sum of seven thousand eight hundred dollars in each of the next six years, and thereafter annually the sum of six thousand dollars, until the surplus of the debt on its property as hereafter mentioned shall be provided for, and then upon the whole city. There shall be levied and collected in the same manner, on that part of the city embraced in the present city of Williamsburgh, a sufficient sum to pay off an amount of its debt equal to its surplus as hereinafter mentioned, and the residue of the debt shall be levied and collected upon the whole city.

Brooklyn debts.

§ 5. The several sums of money in the present city of Brooklyn so to be raised, together with all the interest accruing from its investment, and all moneys now raised for a similar purpose, shall be and remain pledged and applied to redemption of loans procured by said present city of Brooklyn; nor shall any other investment or use be made of such moneys or securities, except as herein provided, and any other appropriation thereof shall be deemed a misdemeanor and punishable accordingly.

Brooklyn sinking fund.

§ 6. The fund thus designated, together with all former and subsequent accumulations, shall be called the "sinking fund of the city of Brooklyn," and shall be managed by

the mayor, treasurer and comptroller of said city, as ex-officio commissioners of said fund, a majority of whom shall constitute a quorum for the transaction of business.

Investment of sinking fund.

§ 7. The said commissioners shall from time to time invest the money of said fund in any stocks for the payment of which the faith of this state or the United States is or shall be pledged; or in any of the bonds or securities issued by said city or the county of Kings; and to deposit said moneys with any safe moneyed corporation in this state, and make such contract with such institution for the duration of such deposits and the interest thereon as they shall consider for the best interest of such fund; and may also, at such times and upon such terms as they may deem advisable, pay any part of the moneys borrowed or raised as aforesaid before the time limited for the payment thereof.

Report of commissioners.

§ 8. The said commissioners shall report to the common council semi-annually, at its first meetings in January and July, a particular account of the condition of said fund, specifying the receipts and payments since the last report, the amount and description of stocks held by them, with the interest they bear, the institutions holding deposits, the amount of such deposits, and the rate of interest paid thereon respectively, also the amount of loans purchased, if any, and the rate paid therefor.

Permanent loans.

§ 9. The common council shall have power to make permanent loans for the use of said city, and to issue bonds therefor, payable at such times, in such manner and at such rates of interest as they may direct, if the proposition for creating such debt shall have been previously submitted to the electors of said city at a regular charter election, of which three months' previous notice shall have been published in the corporation newspapers, and such proposition shall have then received the affirmative vote of the majority of the voters at such election.

Vote upon.

§ 10. The common council may by ordinance direct the mode and manner of submitting such proposition to the electors of said city.

Bonds, when to be issued.

§ 11. In case the majority of said electors shall be in favor of creating such loan, the common council which shall be in office next after such election has taken place may, by the vote of the majority of all the members elected, confirm such loan; but no bonds shall be issued therefor until the common council shall have made specific provision for a sinking fund, to be raised by an annual tax sufficient to pay and discharge such bonds at maturity, and the faith and property of the city shall be and is hereby pledged for the final payment of any and all such loans.

Temporary loans.

§ 12. The common council, after the taxes have been levied in any year, shall have power to make temporary loans, in anticipation of the collection of such taxes, such loans to be applied to the purposes for which such taxes may have been levied, and for no other purpose, and such taxes shall be inviolably applied to repay such loans.

Certificates of indebtedness for assessments.

§ 13. The common council shall also have power, after any assessment for a local improvement has been confirmed, and a contract for making the same has been entered into, to issue certificates of indebtedness to the contractor, payable out of such assessments when collected, and bearing interest after the expiration of one hundred and twenty days from the delivery of the assessment roll to the collectors; but no certificate shall at any time previous to the completion of the work exceed seventy-five per cent. in value of the work actually done, and they may issue a warrant for the collection of the assessment imposed before the work shall have been completed.

Moneys borrowed to be applied to specific purposes.

§ 14. Whenever the city shall by law be authorized to borrow money for any specific purpose, the moneys so borrowed shall be applied only to such purpose, except

the surplus thereof, if any surplus should remain after accomplishing such purpose; and it shall not be lawful for the common council of the said city to borrow any money, or to enter into any contract by which they may be compelled to pay money, except for the purposes for which they are or may be authorized to raise money by tax, and then only to an amount not exceeding the sum they are authorized by law to raise by tax during that municipal year for the purposes for which such money may be borrowed or contract entered into; and it shall be the duty of the said common council to pay all money so borrowed, with interest accrued thereon, and to discharge all such contracts out of the money raised by tax during the same municipal year in which the money is borrowed or contract entered into, except as by this act provided.

Property and debts of Brooklyn, Williamsburgh and Bushwick.

§ 15. It shall be the duty of the comptroller to state and keep an account, under the direction of a committee of the common council, composed of one from each of the present cities of Brooklyn and Williamsburgh and town of Bushwick, showing the property and assets held by each respectively in their corporate right, and the value thereof on the first day of January, eighteen hundred and fifty-five; and also showing the amount of the debts of each on that day actually existing or contingently arising from any work done for, or liability incurred, or property purchased by them respectively. Such property shall be the common property of the whole city, subject however to the pledges heretofore made by law of the portion of each present city and town. The value of the property and assets of each present city and town shall be deducted from the debts of each, and the surplus of debt of each, over the amount of its property and assets, shall continue a particular debt upon each respectively; the residue shall be common debt

of the whole city. If the property and assets of either of said present cities and town shall exceed its debts, the balance shall be credited to it in the taxes of the year eighteen hundred and fifty-five. The property and assets of any district of either of the said cities or town shall, for the purposes of such account, be considered the property of the city or town in which the district is located. Any ward not heretofore included in the fire department districts of Brooklyn or Williamsburgh, hereby or hereafter to be admitted to the use of the fire department property of the said city, shall contribute its proportion to the value of such property in the district in which it is located, to be determined by the fire department committee of the common council, and to be raised by tax in one or more annual instalments, as the common council shall determine.

Auditor and comptroller to examine accounts of collectors annually.

§ 16. It shall be the duty of the auditor and comptroller to examine annually the accounts of the collectors of taxes and assessments, and of the treasurer, and to audit the same, and to present to the common council, at its first meeting after the first day of July in each year, the result in writing of such examination. The common council or the finance committee thereof may at any time order further examinations, by the auditor and comptroller, of such accounts. All other officers of the city receiving and disbursing moneys shall present their accounts annually to the auditor and comptroller for examination, who shall audit the same and report the result to the common council. The common council may, by ordinance or resolution, further define and prescribe the duties of the auditor and comptroller in the premises.

TITLE XI.

MISCELLANEOUS PROVISIONS.

Perjury.

SECTION 1. Any person who may be required to take an oath or affirmation, under and by virtue of any provision of this act, who shall wilfully swear or affirm falsely to any material fact or matter under such oath or affirmation, legally administered, shall, upon conviction, be adjudged guilty of perjury.

Competency.

§ 2. No person shall be incompetent, as a judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Brooklyn, in any action or proceeding in which the city is a party or interested.

Certain offices declared offices of record.

§ 3. The office of the city clerk, street commissioner, comptroller, and collectors of taxes and assessments shall be and they are hereby declared to be offices of record, for the purpose of filing, recording and safe keeping any and all papers and documents of the city, and appertaining or belonging to the said several offices; and all provisions of law relating to offices of record, or the preservation or safe keeping of papers or records therein, are hereby declared to apply to said several offices.

Embezzlement.

§ 4. Every embezzlement of money by any officer elected or appointed under this act, or by a clerk, deputy or assistant of such officer, shall be deemed a felony, punishable by fine or imprisonment, or both.

Proof of ordinances.

§ 5. Every ordinance, resolution, or by-law of the common council may be read in evidence in all courts and legal proceedings, from the volume of ordinances published or to be published by order of the said common council, without any other proof of the passage or publication thereof; but such publication shall be only pre-

sumptive evidence that the same has been duly published in the corporation newspapers as required by this act.

Service of process on boats and vessels.

§ 6. Any civil or criminal process, attachment or execution may be served or levied upon any person or property on board of any vessel which, at the time of such service or levy, shall be attached or fastened to any wharf, pier, bulkhead or landing place in said city, or lying so near thereto that a person can step from the same upon such vessel, or shall be fastened to any other vessel or vessels which shall be so attached or lying to any such wharf, pier, bulkhead or landing place, in the same manner and with like effect as if such vessel was actually within said city.

Penalties recovered payable into city treasury.

§ 7. When a penalty is created, or authorized to be created, by this act, and no particular provision herein is made as to the application thereof, when recovered, such penalty shall, when so recovered, be paid into the city treasury for the use of the city.

Armory, gun-house, &c.

§ 8. The common council shall have power to provide a suitable armory, gun-houses and drill rooms for the use of the military of the said city.

Existing ordinances of Brooklyn.

§ 9. The existing ordinances, by-laws and regulations of the present city of Brooklyn, not relating to local improvements, as the same have been passed, shall be and continue in full force and effect, in the same manner and to the same extent and effect as though they had been published pursuant to law, and shall be in full force and effect, as regards the city hereby incorporated, together with such others as may from time to time be passed, until the same shall be repealed by the common council.

Taxes due and unpaid, how to be applied.

§ 10. All taxes and assessments in the said present cities and town, remaining due and unpaid on the first day of January, one thousand eight hundred and fifty-five, shall be collected as now provided by law, except that the su-

pervisors, in cases of taxes remaining unpaid on the first day of July, one thousand eight hundred and fifty-five, and the common council, in cases of assessments remaining unpaid on the last mentioned day, shall have power and are hereby authorized to issue warrants for the collection of the same to the collectors of taxes and assessments to be elected under the provisions of this act, who shall proceed under said warrants to collect the said taxes and assessments, and shall make their returns thereto, and pay over the money collected by them respectively under the same, to the several officers designated in this act for that purpose; and all proceedings after the expiration of any warrant for the collection of any of such taxes and assessments shall be conducted according to the provisions of this act. Such taxes shall be applied to the purposes for which they shall have been levied in the present cities of Brooklyn and Williamsburgh and the town of Bushwick respectively.

Expenses of local improvements.

§ 11. The expenses of any local improvement commenced by the present cities of Brooklyn and Williamsburgh, respectively, before the first day of January, one thousand eight hundred and fifty-five, for which expense no assessment shall have been laid, shall be assessed as now provided by law in the said cities, respectively, except that the duties in relation thereto, now devolved upon the common council and officers of the said cities respectively to be performed, shall be performed by the common council of the city of Brooklyn hereby incorporated, and by the officers to be elected and appointed and authorized to perform similar duties under this act, except that if commissioners shall have been appointed to lay any assessment they shall complete such assessment.

Rights and liabilities of the respective cities

§ 12. All the rights, interest, property, claims and demands whatsoever, belonging to or to accrue to the present cities of Brooklyn and Williamsburgh and town of

Bushwick, shall belong to and be vested in the city of Brooklyn, hereby incorporated, and all liabilities and responsibilities of either in favor of third parties shall be assumed by and may be enforced against the city of Brooklyn, hereby incorporated, but each of the present cities of Brooklyn and Williamsburgh and town of Bushwick shall be, as between each other, liable for its own indebtedness and entitled to its own property, as hereinbefore provided; all suits in favor of or against the present cities of Brooklyn and Williamsburgh and town of Bushwick, shall be continued against the same respectively until judgment.

Board of education.

§ 13. There shall be a board of education, and all the provisions of law relating to the board of education of the present city of Brooklyn shall apply thereto, except that the board hereby authorized shall be constituted of the members of the said present board, and such additional members as may be appointed by the common council for the portion of the city embraced in the present city of Williamsburgh and town of Bushwick, and the said common council is hereby authorized and required to appoint and classify such additional members, having reference therein to the proportional increase of inhabitants by the additional territory; and the school property of the cities of Brooklyn and Williamsburgh and town of Bushwick, and the several districts thereof, shall be valued by the first board of assessors elected after this act shall take effect, and the board of supervisors of the county shall proceed to equalize the said value by assessing the aggregate amount thereof upon the whole city, and crediting each school district (the city of Brooklyn to be considered as one district) on account of its general tax with the value of its separate school property, and any special school taxes already laid and in process of collection. The eighth and twentieth sections of the act entitled to reorganize and regulate the common schools and board of education of the city of Brooklyn, passed April 4, 1850, is hereby repealed.

§ 14. This act is hereby declared to be a public act. All acts and parts of acts of the legislature of this state, not inconsistent with the provisions of this act, and not hereby repealed, shall be and remain in full force and effect; but any proceedings now pending, or that shall have been commenced before this act takes effect as a law, shall be continued and completed as if this act had not been passed, except as herein provided. Saving clause.

§ 15. This act shall take effect on the first Monday of January, one thousand eight hundred and fifty-five, except sections three, four, five, six, seven, eight and nine of title three, which shall take effect on the first day of May next after the passage of this act. The terms of office of the city and town officers elected or appointed for the present cities of Brooklyn and Williamsburgh and town of Bushwick shall expire on the first day of January, one thousand eight hundred and fifty-five, except that the incumbents of the offices of street commissioner, counsellor and commissioner of repairs and supplies of the present city of Brooklyn, and the incumbent of the office of clerk of the present city of Williamsburgh, shall perform the duties devolved upon the street commissioner, counsellor, commissioner of repairs and supplies and clerk by this act, until the expiration of the terms for which they were respectively elected or appointed under the existing law; and except that the incumbent of the office of collector of taxes and assessments of the present city of Brooklyn shall perform the duties devolved upon the collector of taxes and assessments of the western district by this act, until the expiration of the term for which he was elected under the existing law; and the incumbent of the office of collector of taxes and assessments of the present city of Williamsburgh shall perform the duties devolved upon the collector of taxes and assessments of the eastern district by this act, until the expiration of the term for which he was elected Times when this act takes effect.

under the existing law; and except that the incumbents of the offices of street commissioner and counsellor of the present city of Williamsburgh shall continue to perform the duties of street commissioner and counsellor, for the purpose of closing up all the unfinished business in their respective departments, until the expiration of the term for which they were elected, and they are vested with such power, subject nevertheless to the directions of the common council of the city hereby incorporated; and it shall be the duty of the officers retained in office by this act to close up the unfinished business of the said cities and town in their respective departments, under the direction of the said common council, except as herein otherwise provided, and except that the policemen now in office shall retain their offices until others shall be appointed under the provisions of this act. All officers elected or appointed under and by virtue of this act shall hold their offices for the term specified in this act, and until others shall be elected or appointed in their stead and have duly qualified.

Books, &c., to be transferred to city offices.

§ 16. The books, papers and documents now on file or kept in any office in the present cities of Brooklyn, Williamsburgh and town of Bushwick shall be transferred to such offices of the city hereby incorporated as the common council shall by resolution direct.

§ 17. The provisions of this act shall not be construed to recognize or authorize any encroachment upon the navigable waters of the East river or harbor of New York.

SPECIAL LAWS.

FIRE DEPARTMENT.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE FIREMEN OF THE VILLAGE OF BROOKLYN," PASSED APRIL SIXTEENTH, EIGHTEEN HUNDRED AND TWENTY-THREE. Western district.

PASSED MARCH 28, 1855.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

ARTICLE I.

SECTION 1. The name of the corporation created by an act of the legislature passed April sixteenth, eighteen hundred and twenty-three, entitled "An act to incorporate the firemen of the village of Brooklyn," is hereby changed to the fire department of the city of Brooklyn. All actions or proceedings now pending by or against the said corporation, may be continued and prosecuted in its former name, or the court in which, or officer before whom, such action or proceeding is pending, may, upon the application of any party to such action or proceeding, order the same to be continued and prosecuted in the name of said corporation as established by this act. Change of name.

ARTICLE II.

Trustees.

§ 1. The second section of the said act of incorporation is hereby amended so that it shall read as follows: The affairs of the said corporation shall be managed by a board of trustees, which shall consist of as many trustees as there are or hereafter may be regularly organized companies for the extinguishment of fires in the city of Brooklyn, as said city existed on the thirty-first December, eighteen hundred and fifty-four, to be chosen out of the whole body of engineers, and active and exempt firemen of said city of Brooklyn, and each regularly organized company for the extinguishment of fires in said city, shall be entitled to the nomination of one trustee.

Officers.

§ 2. The said trustees shall manage the affairs and dispose of the funds of the corporation according to the by-laws, rules and regulations of said corporation, from time to time made and established by the board of representatives. The trustees shall choose a president and secretary. The president shall have a right to convene them when he thinks proper, and shall so convene them at least once a year. The treasurer shall give security to the corporation for the faithful performance of his trust, and shall at every annual meeting of the representatives, and at such other times as the board of trustees shall direct, render to them and to the board of trustees an account of the state of the funds. The representatives shall at their meetings have a right to inquire into and control the application of the corporate funds, and to displace any of the trustees or officers, if in their opinion guilty of mal-conduct, and elect others in their stead. The said board of representatives, and also the said board of trustees, shall respectively have power to fix upon the number of members of their respective boards which shall constitute a quorum for the transaction of business. In case of a vacancy in the office of representative, such vacancy shall be filled up by the company from which

he is deputed, for the remainder of the year, by a special election to be held for that purpose. And in case of a vacancy in the office of president, vice-president, treasurer, secretary, collector, or any of the trustees, such vacancy shall be filled up by the representatives for the remainder of their term of office, by a special election to be held for that purpose.

Board of representatives.

§ 3. There shall be a board of representatives, which shall consist of two members from each legally organized fire company in said city of Brooklyn, but every such representative shall have served at least one year in said Brooklyn fire department, except in newly organized fire companies, which have not been organized that length of time.

Officers.

§ 4. The said representatives shall choose on the second Monday in December, in every year, by ballot, out of their own body, or the whole of firemen or exempt firemen, who have served their time in said Brooklyn fire department, a president, vice-president, treasurer, secretary and collector, and one trustee from each legally organized fire company.

By-Laws.

§ 5. The board of representatives shall have full power to make and prescribe such by-laws, rules, ordinances and regulations, as to them from time to time shall appear needful and proper, touching the management and disposition of their funds for the purposes aforesaid, and touching the meetings of said corporation, both special and ordinary, except the second Monday in December in every year, which is hereby declared to be their annual meeting; and touching the duties and conduct of their officers and trustees, and touching all such other matters as appertain to the business and purposes for which the said corporation was instituted, and for no other purpose whatsoever. But it shall require a two-thirds vote of all the members present at a regular meeting of said board, to adopt the same, pro-

vided that such by-laws, rules, ordinances or regulations, be not repugnant to the constitution or laws of the United States or of this state.

Funds.

§ 6. The funds of said corporation which shall arise from chimney fines, certificates, donations, or any other source, or from such other sources as may have been heretofore, or may be hereafter agreed on by the said department, or from any penalties which may accrue to the department under any law which is now in existence, or which may hereafter be passed, shall, after deducting necessary expenses, be appropriated to the relief of such indigent or disabled firemen, or their families, as may be interested therein, and who may, in accordance with the by-laws of said corporation, be worthy of assistance.

Members.

§ 7. All such persons as now are or hereafter may be firemen of said city of Brooklyn, and actual members of any fire company regularly organized as such under the authority of the city of Brooklyn, and located within the bounds of the city of Brooklyn, as the same existed on December thirty-first, eighteen hundred and fifty-four, or persons who have served their time as firemen in said former city of Brooklyn, according to law, are constituted and declared to be members of the corporation mentioned in the first section of this act, in like manner, and with the same rights and privileges, as the persons expressly incorporated by the act therein mentioned.

ARTICLE III.

Paid department.

§ 1. In case at any time the fire department of the city of Brooklyn should become a paid department, by the respective members thereof receiving a compensation for their services, the persons who shall at that time constitute the board of trustees, shall continue and remain as such trustees, and shall have the sole and entire control of the then present fund, which, with such other moneys as may

accumulate from time to time thereafter, shall be collected, received, secured, held, retained and disbursed, by such trustees, solely for the benefit of the members of the department as the same shall previous to that time exist, and their widows and orphans: Provided, however, that no member serving in said paid department, shall be entitled to any of the benefits arising from said fund, unless such member shall have, prior to the creation of such paid department, served the time as a fireman prescribed by law.

Price of certificates.

§ 2. The board of trustees shall have power to require of the chief engineer, the collection of the prices of the certificate of firemanship, but the price of said certificate shall not exceed two dollars.

Property.

§ 3. The said corporation shall have power to purchase, take, hold and convey any estate, real or personal, for the use and object for which the said corporation was instituted, but such real or personal estate shall not exceed the sum of one hundred thousand dollars.

Elections.

§ 4. In case any election shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not, on that account, be deemed to be dissolved; but it shall be lawful on any other day, to hold and make such election in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

§ 5. All laws or parts of laws, heretofore passed, inconsistent with the provisions of this act, are hereby repealed.

§ 6. This act shall take effect immediately.

AN ACT

Western district.

FOR THE BETTER REGULATION OF FIREMEN IN THE CITY OF BROOKLYN.

PASSED FEBRUARY 17, 1857—THREE-FIFTHS BEING PRESENT.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Convention of firemen of western district to elect commissioners.

SECTION 1. There shall be elected by a convention of firemen, to be composed of two delegates from each legally organized fire company, and one delegate from the board of engineers in the western district of the city of Brooklyn, five commissioners to be denominated the commissioners of the fire department of the western district of the city of Brooklyn.

When held.

§ 2. The conventions for the election of said commissioners shall be held on the second Tuesday in May, in each year, at such place and hour as the president of the said Brooklyn fire department shall designate, (at least ten days previous to the time of meeting thereof,) and a majority of the votes cast shall be necessary to constitute a choice; the president and secretary of the said Brooklyn fire department shall act as president and secretary of such conventions, but shall not be entitled to a vote unless they are regular delegates, and the proceedings thereof shall be kept on file with the documents of the fire department.

Election of commissioners

§ 3. The first election for commissioners under this act shall take place on the second Tuesday in May next, and within ten days thereafter the persons so elected shall, in the presence of the president of the said Brooklyn fire department, draw for the term of their respective offices, say one for the term of five years, one for the term of four

years, one for the term of three years, one for the term of two years, and one for the term of one year. And annually thereafter shall be elected one commissioner to hold his office for the term of five years, but each and every commissioner shall hold his office until his successor has been elected and has duly qualified.

Vacancies.

§ 4. In case of a vacancy in the office of either or all of the said commissioners, either by death, removal, or resignation, the president of the said Brooklyn fire department shall call a convention within thirty days thereafter to fill said vacancy or vacancies, and the person or persons so elected shall hold their office only for the unexpired term.

Qualifications.

§ 5. No person shall be eligible as such commissioner unless he shall be at the time of such election an exempt fireman, and shall have ceased to be a member of the Brooklyn fire department for at least two years prior to said election.

Removal.

§ 6. In case of the refusal or neglect of either or all of the said commissioners to perform any of the duties imposed upon them by this act, the common council of the city of Brooklyn shall have power to remove said commissioner or commissioners, upon the petition of the board of representatives of the said Brooklyn fire department therefor.

Common council to confirm or reject.

§ 7. The president and secretary of the said Brooklyn fire department shall certify to the common council the names of all persons elected commissioners under this act, who shall confirm or reject the same within thirty days thereafter; in case of rejection the president of the said Brooklyn fire department shall immediately call for a convention to proceed with a new election.

Clerk to commissioners.

§ 8. The said commissioners shall nominate and the common council shall appoint, a clerk at a salary of not

less than five hundred dollars a year, who shall hold his office during the pleasure of said commissioners, and the commissioners and clerk shall take an oath to well and faithfully perform their duties.

Rules.

§ 9. The said commissioners may make such rules and regulations as may be necessary for the performance of their duties not inconsistent with the laws of the State of New York, or of the United States, and it shall require a majority to constitute a quorum for the transaction of business.

Commissioners' duty in relation to new fire companies.

§ 10. It shall be the duty of the said commissioners to inquire into all applications for the organization of fire companies, and the result of such inquiry, whether in favor of or against said application, shall be certified by them, through the chief engineers, to the common council for confirmation, and no fire companies shall be organized unless approved by said commissioners, save as provided for hereafter in section thirteen.

In relation to firemen to be appointed.

§ 11. It shall be the duty of the chief engineer of the said fire department to present to said commissioners the names of all persons applying to be appointed firemen, and of all persons expelled or resigned from the department, and on the same being duly investigated and determined by them, they shall certify the result of their action to the chief engineer, who shall thereupon return the same to the common council for their approval.

In relation to complaints against firemen.

§ 12. The said commissioners shall have cognizance of all complaints against all firemen and fire companies, for riotous or disorderly conduct at fires or alarms of fires, or for violation of any of the state or city laws respecting the firemen of the city of Brooklyn. They shall diligently inquire into the same, and if the parties so charged shall be proved guilty, the said commissioners are hereby empow-

ered to suspend or remove such firemen, or disband such companies, subject to the approval of the common council.

Disagreement between common council and commissioners.

§ 13. Should any disagreement arise between the common council and the said commissioners, in regard to any decision of the latter, under the tenth, eleventh, and twelfth sections of this act, the same shall be referred back to the commissioners for reconsideration within thirty days after the same shall have been first presented to the said common council; and should the commissioners refuse to recede therefrom, or reconsider the same, then their action shall be final, unless the common council by a vote of two-thirds of all the members elected shall overrule such decision within thirty days after it shall have been again presented to them.

Oaths before commissioners.

§ 14. The chairman of said commissioners, or either of them, may administer oaths and affirmations to witnesses appearing before them, and may require such witnesses to testify in respect to any matters pending before the commissioners; and should any witness or witnesses, after being duly notified, refuse to attend, the commissioners may apply to one of the justices of any court of record, and upon proper proof being made of the service of notice, the said justice shall issue an attachment compelling the attendance of such witness or witnesses.

False swearing deemed perjury.

§ 15. False swearing before said commissioners shall be deemed perjury, and punishable as such.

Bell-ringers, how appointed.

§ 16. The said commissioners shall also nominate, and the common council confirm, all bell ringers for each station requiring them, subject to removal by said commissioners for neglect of duty only, and no one shall be eligible for the appointment of bell ringer unless he be an exempt fireman.

§ 17. The said commissioners shall design a badge, to

Commissioners to design firemen's badge.

be confirmed by the common council, and a sufficient number furnished by said common council, which shall be conspicuously worn by every fireman when on duty as such, and such exempt firemen as the said commissioners shall give permission to in writing, unless such firemen or exempt firemen shall be otherwise equipped, as provided for by city ordinance; and the said common council shall pass such ordinances as may be requisite to prevent the approach of persons other than such firemen or exempt firemen and policemen to the vicinity of fire.

Chief engineer sole control of firemen at fires.

§ 18. Nothing in the foregoing section shall be so construed as to deprive the chief engineer from the sole and absolute control of all firemen in case of fire, or from calling to his aid citizens, if he may deem it necessary, to assist in extinguishing fires.

Personating firemen a misdemeanor.

§ 19. Any person who shall falsely represent any of the members of the fire department of the said city of Brooklyn, or who shall maliciously, with intent to deceive, use or imitate any of the signs, fire caps, badges, signals, or devices, adopted or used by the fire department, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than twenty-five dollars or more than two hundred and fifty dollars, and by imprisonment for a term of not less than ten days or more than three months.

Repealing clause.

§ 20. All laws and parts of laws heretofore adopted, inconsistent with this act, are hereby repealed.

§ 21. This act shall take effect on the second Tuesday in May next.

AN ACT

TO INCORPORATE THE FIRE DEPARTMENT OF THE EASTERN DISTRICT OF THE CITY OF BROOKLYN. Eastern district.

PASSED APRIL 7, 1857—THREE-FIFTHS BEING PRESENT.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All such persons as now are or hereafter shall be firemen, belonging to any legally organized body of firemen in the present eastern district of the city of Brooklyn, in the county of Kings, shall be and hereby are constituted and declared to be a body corporate, by the name and title of "The Brooklyn Eastern District Fire Department;" and by that name and title they and their successors shall and may have succession, and may have a common seal, and may change and alter the same at their pleasure; and also by said name and title shall in law be capable of purchasing, holding and conveying any estate, real or personal, for the use of the corporation hereby created; provided, that the amount thereof shall not at any one time exceed the sum of one hundred thousand dollars. The Brooklyn eastern district fire department.

§ 2. There shall be a board of representatives, composed of one or more delegates from each organized fire company, and one from the board of engineers, doing or having done duty as such in the said eastern district, recognized by the common council, and by a majority of all the representatives hereinafter named, or their successors. But no Board of representatives.

company disbanded shall be entitled to representation, nor shall the representatives of any company be entitled to participate in the proceedings of the said board, except in full compliance with this act, and with the by-laws of the said department.

§ 3. It shall be the duty of each fire company entitled to representation in said board, to choose its representatives, and make a return of their names and places of residence to the secretary of the department, on or before the first Monday in January, annually. Whenever a vacancy occurs in said board, the same shall be filled by the proper company, pursuant to the by-laws of the said department.

§ 4. The first board of representatives shall be, and the same hereby is constituted as follows, viz:

From engine company No. 1—P. Dorman, James Mudge, James Boyd.

From engine company No. 2—J. H. Reilly, Joseph McGraw, George Quinn.

From engine company No. 3—Joseph Homan, Jeremiah Brown, Daniel C. Driver.

From engine company No. 4—Ralph Kerkman, Lewis Freude, Thomas Williamson.

From engine company No. 5—Thomas Hayden, Thomas Holland, James Kelly.

From engine company No. 6—Benjamin W. Wilson, E. R. World, John Martin.

From engine company No. 7—John Brown, William Mitchell, John Guischard.

From engine company No. 8—Charles Harper, Abram Messerole, George N. Williams.

From engine company No. 9—Robert T. Hendricks, George C. Bennett, B. C. Martin.

From engine company No. 10—William Mullen, John Bennett, Thomas C. White.

From engine company No. 11—James J. Jones, Charles Coffin, A. N. Nauert.

From engine company No. 12—Rodney Thursby, Benjamin F. Downs, G. W. Williams.

From engine company No. 13—Charles H. Foster, William H. Mersheon, Henry Dixon.

From hose company No. 1—J. F. Wiggans, Charles Hull, W. H. Laurence.

From hose company No. 2—M. Murray, John Stoll, G. H. Lindsay.

From hose company No. 3—John W. Smith, George H. Bennett, John H. Perry.

From hose company No. 4—John G. Barker, Thomas W. Lewis, R. D. Woodland.

From hook and ladder company No. 1—William M. Scott, Edward Powell, Mark McAuley.

From hook and ladder company No. 2—Charles Miller, George Covert, and Richard Hamilton.

From hook and ladder company No. 3—W. Van Volkenburgh, W. P. Potter, Leonard Minuse.

From bucket company No. 1—J. C. R. Pooler, A. Wessels, James Meikle.

From board of engineers—Andrew J. Hinman.

Officers, how elected.

§ 5. The officers of said department shall consist of a president, a vice-president, a secretary, a treasurer, and a collector, all of whom shall be chosen annually by the representatives, by ballot. Such election shall be held at the annual meeting, to be designated by the by-laws of said department, or as soon thereafter as may be. The president and vice-president shall be chosen from among the representatives, but the other officers may be chosen from the firemen at large.

First officers.

§ 6. Benjamin W. Wilson shall be the first president; Jonathan F. Wiggans shall be the first vice-president;

Robert T. Hendricks shall be the first secretary; William Meeks shall be the first treasurer; Owen Dennon shall be the first collector; all of whom shall hold their respective offices until the first annual meeting of the said board of representatives, unless sooner removed as hereinafter provided, and (excepting the president and vice-president) until their successors are duly chosen and qualified.

Board of trustees.

§ 7. There ahall be a board of trustees, consisting of one member from each legally organized company, to be nominated by their respective companies, and subject to confirmation by the said board of representatives, by ballot, at their first meeting after the passage of this act, or as soon thereafter as may be. The terms of office, and also all elections subsequent to the election therein provided for of the said trustees, shall be determined and established by the by-laws of the said department. Said board of trustees shall, and it is hereby made their duty, (subject, however, to the control of the said board of representatives, and the provisions of this act,) to care for, manage and direct the investment and disbursement of the moneys in or belonging to the firemen's benevolent fund, hereinafter provided for. They shall appoint a chairman from their own body, who shall have power to convene them whenever he thinks proper, and it shall be his duty to do so as often as quarter-yearly.

Business and purposes.

§ 8. The business and purposes of the said department shall be, and it is hereby authorized and empowered to raise, accumulate, invest, superintend, apply, dispose of, and expend, a fund or funds for the relief of firemen, and the widows and the orphans of firemen. A fund, which shall be called the "firemen's benevolent fund," shall be established and maintained with, and the moneys arising from, fees for certificates, fines and forfeitures received, collected and recovered, for any violation of law or ordinance; the interest of all moneys funded, donations, an-

nuities, endowments, and from such other sources as may from time to time be agreed upon, shall be devoted to and placed in said fund, and said fund shall be for the relief of indigent firemen, and the widows and the orphans of firemen, who may be in indigent circumstances, needing such relief, and worthy of assistance, and for no other purpose; and no moneys appropriated to and placed in the said firemen's benevolent fund, shall be invested or loaned, except in or upon the securities or stocks of this state, or of the United States, or the stocks or bonds of the cities of New York or Brooklyn, or upon unincumbered real estate in this state, worth at least double the amount to be secured thereby.

The funds.

§ 9. The money, funds, assets, and property, of all kinds, which are of and belonging to the association known as "The Fire Department of Williamsburgh, in Kings County," shall, together with its liabilities, belong to, and be assumed by the corporation hereby created, and all money or funds of the said association, excepting the contingent fund thereof, shall be devoted to and placed in the firemen's benevolent fund of the said corporation.

Bonds to be given.

§ 10. The treasurer, the secretary, and the collector, and such other officers, trustees or agents of the said department, as may from time to time be required by the said board of representatives, shall each give a bond to said department, with sureties, conditioned for the faithful performance of their respective duties, and for the accounting and paying over, whenever required so to do, all sums of money or property which may come into their hands by virtue of their respective offices. Said bonds shall be in such amounts, and further conditioned, as the said board of representatives may from time to time determine.

Powers of board of representatives.

§ 11. The said board of representatives shall have the right, and they are hereby invested with power:

To canvass the votes cast at all elections for all candidates for chief and assistant engineers, and return the result to the common council of the city of Brooklyn for confirmation.

To make, alter, amend and enforce by-laws, rules and regulations, for their own government; provided, that such by-laws, rules and regulations, except in so far as they may relate to the funds of this department, do not conflict with the ordinances of the said city of Brooklyn.

To levy and collect fines, assessments, and other moneys, and establish and enforce penalties over those whom they represent, and over their own members, and to define the duties of their officers and agents.

To choose their own officers, appoint their times and places of meeting, determine without appeal the qualifications of their own members, and generally to manage, direct and control all business pertaining to the said department; provided, however, that all such elections, levies, fines, assessments and penalties, shall, as far as may be, be regulated and established by the by-laws of the said department. The said board of representatives, and the said board of trustees, shall each keep a record of their proceedings.

To issue certificates to firemen.

§ 12. The said board of representatives shall, upon such conditions and under such regulations as they may adopt, have the sole right, and it is hereby made their duty, to issue certificates to the firemen of the said department.

Certificates, how drawn.

§ 13. Each and every of the said certificates shall be subscribed by the president, secretary, treasurer, and chief engineer of the said department, and have the seal of the said department attached, and be attested by the city clerk of the said city of Brooklyn, who shall attest the same without charge or fee, and each certificate so signed and attested, shall be evidence in all courts and cases of the facts therein contained and set forth. No certificate, setting forth any of the facts mentioned in either of said certificates, shall be is

sued, given or granted by the common council of said city of Brooklyn, to any one claiming or receiving the same as a fireman of or from the said department, unless in concurrence with the said board of representatives.

Rights in the funds.

§ 14. No fireman, nor widow nor orphan of any fireman, shall be deemed to have any claim or right to the aid or benefit of the fund or funds of the said department, until such fireman shall have paid into the same such moneys, fees, dues or fines, as by the by-laws thereof may have been required of him, and otherwise fully complied with said by-laws.

Fire wardens of the eastern district, how appointed at first.

§ 15. Said board of representatives shall, at their first meeting after the passage of this act, nominate as fire wardens of the eastern district of the city of Brooklyn, three exempt firemen, who shall have served at least five years as firemen within the bounds of said district. A majority of all the votes cast shall be requisite to make a nomination. The names of the persons thus nominated shall be returned to the common council of said city for its approval. If the said common council neglects or fails to reject any of the said nominees within twenty days after receiving notice of such nomination, they shall be considered duly appointed. In case of any rejection, the said board of representatives shall again nominate as before, and so continue to nominate until said offices be filled. The persons nominated and appointed as aforesaid, shall be the fire wardens of the eastern district of the city of Brooklyn. They shall perform such duties, and receive such compensation, as the said common council shall from time to time prescribe.

To be classified.

§ 16. The president of the said department shall, within ten days after the first appointment of said fire wardens, notify them to meet for the purpose of classification; and he shall then and there proceed by lot to divide them into three classes. They shall serve from the date of their ap-

pointment as follows, to wit: those of the first class, until the second Thursday in January, eighteen hundred and fifty-eight; those of the second class, until the second Thursday in January, eighteen hundred and fifty-nine; and those of the third class, until the second Thursday in January, eighteen hundred and sixty; and each and respectively until their successors shall have been duly appointed and qualified, unless sooner removed as hereinbefore provided. The president and the secretary of the said department shall certify to such classification, and file the same with the city clerk, which shall be evidence of such classification.

One to be appointed annually.

§ 17. After the first nomination and appointment of said fire wardens, there shall be annually nominated and appointed, in like manner and under like conditions, qualifications and restrictions, subject to the same duties and entitled to the same compensation, one fire warden of the said eastern district, who shall hold his office for the term of three years, and until his successors are duly chosen and qualified, unless sooner removed for neglect of duty.

Firemen not incompetent in certain cases.

§ 18. No person shall be deemed incompetent as a judge, justice, witness or juror, by reason of his being a fireman of the said department, in any action or proceeding in which the said department is a party or interested.

Fines.

§ 19. All fines imposed by the said board of representatives, upon any representative, trustee, officer, engineer, warden or agent of the said department, pursuant to this act, and to the by-laws of said department, may be sued for and recovered at law. All suits for the recovery of any such fines, shall be brought by the treasurer, when ordered so to do by the representatives or trustees, and all such suits shall be in the name of the said department.

Convention for the appointment of commissioners

§ 20. There shall be elected by a convention of firemen, to be composed of two delegates from each legally organ-

ized fire company, and one delegate from the board of engineers, in the eastern district of the city of Brooklyn, five commissioners, to be denominated the commissioners of the fire department of the eastern district of the city of Brooklyn. of the eastern district.

§ 21. The conventions for the election of said commissioners shall be held on the second Tuesday of May in each year, at such place and hours as the president of the said fire department shall designate, (at least ten days previous to the time of meeting thereof,) and a majority of the votes cast shall be necessary to constitute a choice. The president and secretary of the said Brooklyn fire department of the eastern district, shall act as president and secretary of such conventions, but shall not be entitled to vote unless they are regular delegates; and the proceedings thereof shall be kept on file with the documents of the fire department of the eastern district. When held.

§ 22. The first election for commissioners under this act shall take place on the second Tuesday in May next; and within ten days thereafter, the persons so elected shall, in the presence of the president of the said eastern district Brooklyn fire department, draw for the term of their respective offices; say, one for the term of five years, one for the term of four years, one for the term of three years, one for the term of two years, and one for the term of one year. And annually thereafter there shall be elected one commissioner, to hold his office for the term of five years, but each and every commissioner shall hold his office until his successor has been elected and has duly qualified. The said board of representatives shall nominate, and the common council shall appoint, a clerk to the commissioners, at a salary of not less than four hundred dollars per annum; said clerk must be an expert fireman of said district. Election of commissioners.

§ 23. In case of a vacancy in the office of either or all of the said commissioners, either by death, removal or resig- Vacancies in their office.

nation, the president of the said eastern district Brooklyn fire department, shall call a convention within thirty days thereafter, to fill said vacancy or vacancies; and the person or persons so elected, shall hold their office only for the unexpired term.

Qualifications of.

§ 24. No person shall be eligible as such commissioner, unless he shall be at the time of such election an exempt fireman, and shall have ceased to be a member of the Brooklyn fire department of the eastern district.

Removal of.

§ 25. In case of the refusal or neglect of either or all of the said commissioners to perform any of the duties imposed upon them by this act, the common council of the city of Brooklyn shall have the power to remove said commissioner or commissioners, upon the petition of the board of representatives of the said Brooklyn fire department of the eastern district therefor.

Common council to confirm or reject them.

§ 26. The president and secretary of the said fire department shall certify to the common council the names of all the persons elected commissioners under this act, who shall confirm or reject the same within thirty days thereafter; in case of rejection, the president of the said fire department shall immediately call for a convention to proceed with a new election.

Commissioners to make rules.

§ 27. The said commissioners may make such rules and regulations as may be necessary for the performance of their duties, not inconsistent with the laws of the state of New York or of the United States; and it shall require a majority to constitute a quorum for the transaction of business. The said commissioners shall keep a journal of their proceedings.

To inquire into applications for fire companies.

§ 28. It shall be the duty of the said commissioners to inquire into all applications for the organization of fire companies, and the result of such inquiry, whether in favor of or against said application, shall be certified by them, through the chief engineer of the eastern district, to

the common council for confirmation; and no fire companies shall be organized unless approved by said commissioners, save as provided for hereafter in section thirty-one.

Chief engineer to present names of firemen to them.

§ 29. It shall be the duty of the said chief engineer of the said fire department, to present to said commissioners the names of all persons applying to be appointed firemen, and of all persons expelled or resigned from the fire department, (eastern district,) and on the same being duly investigated and determined by them, they shall certify the result of their action to the chief engineer, who shall thereupon return the same to the common council for their approval.

Commissioners to have cognizance of complaints against firemen.

§ 30. The said commissioners shall have cognizance of all complaints against firemen and fire companies, for riotous or disorderly conduct at fires or alarms of fire, or for violation of any of the state or city laws respecting the firemen of the city of Brooklyn. They shall diligently inquire into the same, and if the parties charged shall be proved guilty, the said commissioners are hereby empowered to suspend or remove such firemen, or disband such companies, subject to the approval of the common council.

When their action final thereon.

§ 31. Should any disagreement arise between the common council and the said commissioners, in regard to any decision of the latter under the twenty-eighth, twenty-ninth and thirtieth sections of this act, the same shall be referred back to the commissioners for reconsideration within thirty days after the same shall have been first presented to the said common council, and should the commissioners refuse to recede therefrom, or reconsider the same, then their action shall be final, unless the common council, by a vote of two-thirds of all the members elected, shall overrule such decision.

Their chairman to administer oaths.

§ 32. The chairman of said commissioners, or either of them, may administer oaths and affirmations to witnesses

appearing before them, and may require such witnesses to testify in respect to any matters pending before the commissioners; and should any witness or witnesses, after being duly notified, refuse to attend, the commissioners may apply to one of the justices of the peace for the city of Brooklyn, and upon proper proof being made of the service of notice, the said justice shall issue an attachment compelling the attendance of such witness or witnesses.

False swearing before them perjury.

§ 33. Wilful false swearing before said commissioners shall be deemed perjury, and punishable as such.

Commissioners to nominate bell-ringers.

§ 34. The said commissioners shall also nominate, and the mayor confirm, all bell ringers for each station in the eastern district, who shall hold their office for the term of two years, subject to removal by said commissioners for neglect of duty only; they shall receive such salary as the common council may from time to time prescribe, which salary shall be paid by the said common council; and no one shall be eligible for the appointment of bell ringer, unless he be an exempt fireman, who has served his time in the fire department within the bounds of the eastern district.

To design a badge for firemen.

§ 35. The said commissioners shall design a badge, to be confirmed by the common council, and a sufficient number furnished by the said common council, which shall be conspicuously worn by every fireman when on duty as such, and such exempt firemen as the said commissioners shall give permission to in writing, unless such fireman or exempt fireman shall be otherwise equipped as provided for by city ordinance; and the said common council shall pass such ordinance as may be requisite, to prevent the approach of persons, other than such firemen or exempt firemen, and policemen, to the vicinity of the fire.

Chief engineer to have absolute control at fires.

§ 36. Nothing in the foregoing section shall be so construed as to deprive the chief engineer of the eastern district of the sole and absolute control of all firemen in case of

fire, or from calling to his aid citizens if he may deem it necessary to assist in extinguishing fires.

Personating firemen a misdemeanor

§ 37. Any person who shall falsely represent any of the members of the fire department of the said city of Brooklyn, eastern district, or who shall maliciously, with intent to deceive, use or imitate any of the signs, fire caps, badges, signals or devices, adopted or used by the fire department, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than twenty-five dollars, or more than two hundred and fifty dollars, and imprisonment for a term not less than ten days, nor more than three months.

Repealing clause

§ 38. All laws and parts of laws heretofore adopted for the government of the fire department of the late city or village of Williamsburgh, inconsistent with this act, are hereby repealed.

§ 39. This act shall take effect immediately.

FIRE LIMITS.

AN ACT

Western district. TO ESTABLISH FIRE LIMITS, AND FOR THE MORE EFFECTUAL PREVENTION OF FIRES IN THE CITY OF BROOKLYN.

PASSED APRIL 12, 1855.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Fire limits of the western district.

SECTION 1. The fire limits of the city of Brooklyn shall comprise all that portion of said city, beginning at the East river at the northwest corner of the United States Navy Yard, and running thence southwesterly, southeasterly and southerly along said navy yard to the centre of Nassau street; thence westerly along the centre of Nassau street to the centre of Navy street; thence southerly along the centre of Navy street to the centre of Johnson street; thence westerly along the centre of Johnson street to the centre of Bridge street; thence southerly along the centre of Bridge street to the centre of Fulton avenue; thence southeasterly along the centre of Fulton avenue to the centre of Hoyt street; thence southerly along the centre of Hoyt street to a point distant one hundred feet southerly of the southerly line of Fulton avenue; thence northwesterly and parallel with Fulton avenue to a point one hundred feet east of the easterly side of Smith street; thence southerly and parallel with Smith street to a point one hundred feet south of the southerly side of Fourth place; thence westerly and parallel with Fourth place to a point one hundred feet east of the easterly side of Court street; thence southerly and parallel with Court street to a point one hundred feet south of the southerly side of Hamilton avenue; thence northerly and parallel with Hamilton avenue to the East river; thence along the East

river to the place of beginning. The common council may extend the same from time to time, but notice of the intention to make any application to the common council for any such extension, shall be published in the corporation papers for at least thirty days before acting on the same. Within the said district, no store, storehouse, dwelling or other building whatsoever, shall be erected or built of any other material than brick, stone or iron.

Partition walls, how supported.

§ 2. Every such dwelling house, store, storehouse or other building, more than thirty feet in width, shall be built in such manner that all the floors and roof thereof, throughout their whole extent, shall be supported by and rest upon one or more partition wall or walls of brick or stone, not less than eight inches thick, or upon girders sustained by proper and sufficient posts, pillars or columns of iron, brick or stone, and so that through the whole extent of such floor and roof, and each of them, the said walls shall not be distant from each other, or from such intermediate support or supports of brick, stone or iron, more than thirty feet; but such intermediate support or supports in all the stories above the first, may be wooden posts or pillars, of such quality and dimensions as shall be approved by the board of fire wardens of the western district of said city; and all such partition walls which shall exceed thirty-five feet in height from the level of the sidewalk to the peak or highest part thereof, shall not be less than twelve inches thick; but in case said floors or any of them, throughout the whole extent, be supported upon iron beams or girders, of proper size and strength, resting upon the outer walls of such store, storehouse or other building, and distant from each other not more than fifteen feet, then such store, storehouse or other building may be so erected, as that, in the story or stories beneath each floor so supported, the lateral walls thereof may be distant from each other, or from a partition wall or walls,

or intermediate supports as aforesaid, a distance of not more than forty feet.

Thickness of walls.

§ 3. All walls, whether party or otherwise, of all brick or stone buildings, hereafter erected or built in the western district of the city of Brooklyn, shall not be less than twelve inches thick from the foundation or starting place to the peak or highest point thereof; but any building not exceeding twenty-two feet in width nor forty-five feet in depth, may be built above the foundation or cellar walls with eight inch side or end walls, which walls shall not be over thirty-five feet in height from the level of the sidewalk to the peak or highest point thereof; but such building shall not be used as a storehouse or manufactory of any kind or description whatsoever; nor for the purpose of storing any kind of heavy goods; and the side or end wall of any such building may be built thirty-eight feet high from the level of the sidewalk to the peak or highest point thereof, if the walls of the first story above the level of the sidewalk shall be built of a thickness of at least twelve inches from the commencement of the foundation to the extreme height of the story above the level of the side walk; but such building shall not be used for the purpose of a manufactory of any description whatsoever, or for a storehouse, or for the purpose of storing any kind of heavy goods.

Chimneys.

§ 4. All discharging or arch pieces used in the chimneys of any dwelling, store, storehouse, or other building, hereafter erected or built in the city of Brooklyn, shall recede from any flue in any such chimney at least five inches, and no such chimney shall be started and built upon the floor or beams of such dwelling, storehouse, or other building, but shall be started at the foundation, and all such chimneys and flues shall be plastered in the inner surface thereof. All hearths shall be supported by arches of brick or stone, and no chimney in any building now erected, or hereafter to

be erected within the city of Brooklyn, shall be cut off to be supported in any manner whatever, provided that such chimney must be supported by an additional wall of four inches built on the inner side of said wall; but the chimneys of any building erected with eight inch walls, may be started above the foundation of such building, provided the same are started from and wholly rest upon a base formed by racking out such eight inch walls with brick or stone, to an additional width of four inches.

Gutters.

§ 5. All wooden or timber gutters or cornices of any dwelling, store, storehouse, or other building, hereafter built or erected within the Western District of said city, shall be firmly secured by irons which shall not be more than seven and a half feet apart from each other, and on all such gutters not exceeding twelve inches in width, the said irons shall be at least two inches in width, and one-half of an inch thick, and on all such gutters exceeding twelve inches in width, the said irons shall be at least two and one-half inches in width, and five-eighths of an inch thick, and the said irons, except those at the end of the cornice or gutter, shall be fastened or secured to the floor or roof beam, and the end iron shall be fastened in the side or end walls; provided, however, it may be lawful to erect bracketed gutters built in the wall and well secured to wall strips, built in the walls at least every two feet.

Plate irons.

§ 6. All plate irons shall be built into the side, end or party walls, and the iron anchors used to secure the plate pieces, shall be at least two inches wide and one-half of an inch thick; the anchors at the end of every plate piece shall be worked or built into the side, end or party walls of the building, and the said anchors shall turn down at least four inches. No stone or iron cornice or cornices shall project more than the thickness of the wall on which it rests, and the stones shall run through said wall, or in any case the greatest weight of stone or iron, or other ma-

terial, shall be on the inside of said line of said wall or walls; all the mortar shall be made with clear sand, and made with lime or cement in proper proportions; and in no case shall any loam or earthy matter be put in any mortar to be used in the erection of the brick or stone walls of any building or buildings.

Scuttles.

§ 7. All scuttle frames and scuttle doors, on every brick or stone dwelling, store, storehouse, or other building, hereafter to be erected or built within the fire limits aforesaid, shall be made of, or covered with copper, zinc, tin or iron, and every window and entrance above the first story, in the rear of every storehouse, over thirty feet in height to the peak or highest part thereof, from the level of the sidewalk, shall have shutters and doors thereon, made of copper or iron, or covered with copper, tin, or other fireproof material, to be approved of by the board of fire wardens of the western district of the city of Brooklyn. Every store, storehouse or other building, hereafter erected or built as aforesaid, shall have a scuttle or place of egress in the roof thereof.

Sheathing of roofs.

§ 8. The planking or sheathing of the roof of every brick or stone dwelling, store, storehouse, or other building so erected or built as aforesaid, shall in no case be extended across the party, side, or end walls thereof; and every such dwelling, store, storehouse, or other building, and the top and sides of dormer windows thereon, shall be roofed and covered with slate, iron, copper, tin, zinc, or other fire proof materials, to be approved of by the board of fire wardens of the western district of the city of Brooklyn, and shall be equally capable of withstanding the influence of fire.

Beams of party walls.

§ 9. All beams and other timbers in the party or other walls of every dwelling, store, storehouse, or other building hereafter built or erected of brick or stone in said city,

shall be separated from the beams or timbers entering into the opposite side of such wall by the distance of at least four inches between the nearest points of such beams or timbers, except that in eight inch walls the butts or ends of the beams shall be cut on a splay of two and one-half inches in their width. All plate pieces in the front or rear walls thereof shall recede from the outside of such walls at least four inches; and all end, side or party walls of such buildings shall be built up and extend at least six inches above the planking or roofing, and shall be covered with a coping of stone or iron.

Bond timbers and lintels.

§ 10. No timber shall be used in the front or rear walls of any dwelling, store or storehouse, or other building hereafter built or erected within the western district of said city, where stone, brick or iron is commonly used; each lintel on the inside of the front or rear wall, or side walls, shall have a secure brick arch over it, and no bond timber in any wall thereof, shall in width and thickness exceed the width and thickness of a course of brick; and no bond timber shall be more than six feet in length, and such bond timbers shall be laid at least eighteen inches apart from each other, longitudinally, on either side of any wall, and the continuous line thereof shall be broken every six feet, by inserting a brick of eight inches; and no front, rear or other wall of any such dwelling, store, storehouse or other building, now erected or hereafter to be erected as aforesaid, within the fire limits, as extended as aforesaid, or as they may hereafter be extended, or any brick or stone building or buildings, in the western district of the city of Brooklyn, shall be cut off or altered below to be supported in any manner, in whole or in part by wood, but shall be wholly supported by brick, stone or iron; and no wood or timber shall be used between such wall and such supporters; but it shall be lawful to insert a lintel of wood over the doors and windows of the first story of stores,

provided that oak or Georgia pine is used, and supported with brick, stone or iron, and of such size as may be determined by the board of fire wardens of the western district.

Gutters.

§ 11. All wooden gutters of every brick or stone dwelling, store, storehouse or other building hereafter to be erected or built, within the city of Brooklyn, shall be lined or covered on the upper surface thereof, with copper, zinc, tin or iron, or other fire proof material, to be approved of by the board of fire-wardens of the western district of the city of Brooklyn.

Roofing.

§ 12. If any brick front, frame dwelling-house or wooden building, already erected within the fire district described in section first of this act, shall require new roofing, it shall and may be lawful for the owner or owners, or proprietors thereof, to put on a new roof, boards or shingles; and it shall be lawful for the proprietor or proprietors, or owner or owners thereof, to substitute a flat in place of a peaked roof, provided, that such new roofing shall be made of copper, slate, tin, iron, zinc, or other fire proof material, to be approved by the fire wardens of the western district of the city of Brooklyn, and be equally capable of withstanding the influence of fire, and also, provided, that such building when new roofed shall not exceed thirty-five feet in height, from the level of the sidewalk to the peak or highest part thereof.

Steeples and spires.

§ 13. All steeples, cupolas and spires of churches, or other public buildings, may be covered with boards or shingles, and churches and said other public buildings, shall be excepted from the operation of such provisions of this act, as relate to iron and copper shutters.

Public buildings.

§ 14. Public buildings mentioned in the preceding section, are hereby defined to be such buildings as shall be owned and occupied for public purposes by this state, the United States, the county of Kings, the corporation of the city of Brooklyn, or public schools within said city.

§ 15. All privies not exceeding ten feet square and fifteen feet in height, and all ferry houses which shall be erected with the express permission of the said corporation, may be built and covered with wood, boards, and shingles. Privies

§ 16. All ash holes or ash houses within the said district of the city of Brooklyn, shall be built of brick or stone, without the use of wood in any part thereof. Ash-house

§ 17. No wooden or frame shed shall be hereafter erected within the fire limits as described in section one of this act, or as the same may hereafter be extended, except within the district bounded by the East river, and by a line commencing at the East river, in the centre of Little street, and running thence southerly along the centre of Little street to the centre of John street; thence westerly along the centre of John street to the centre of Bridge street; thence southerly along the centre of Bridge street to the centre of Plymouth street; thence westerly along the centre of Plymouth street to the centre of Adams street; thence southerly along the centre of Adams street to the centre of Water street; thence westerly along the centre of Water street to Fulton street; and across Fulton street in a direct line to the centre of Furman street; thence southerly along the centre of Furman street to the centre of Atlantic street; thence easterly along the centre of Atlantic street to the centre of Columbia street; thence southerly along the centre of Columbia street to the centre of Harrison street; thence westerly along the centre of Harrison street to the centre of Van Brunt street; thence southerly along the centre of Van Brunt street to the centre of Hamilton avenue; and thence along the centre of Hamilton avenue to the East river. Every such frame or wooden shed erected within said district, shall be left entirely and constantly open upon one whole side thereof, and shall not exceed in height twenty feet from the ground to the peak or highest point thereof. Wooden sheds

Wooden buildings in fire limits.

§ 18. No wooden or frame building whatever, whether the same may have a brick front or otherwise, within the district described in section one of this act, shall be raised, enlarged or built upon; nor shall any such building or buildings be removed from any lot out of the fire district, to any lot within said district, or as it may hereafter be extended; provided, however, that brick front frame dwelling houses and wooden buildings only, may be raised under the circumstances, in the manner especially provided for in section twelve of this act.

Rebuilding of wooden buildings.

§ 19. Every wooden or frame building with a brick front or otherwise, within the district described in section one of this law, or as the same may hereafter be extended, that shall be damaged by fire to an amount not greater than two-thirds of the value of said building, before such fire, may be repaired or rebuilt pursuant to section twelve of this act; but if such damage amounts to more than two-thirds of such value, then such building shall not be repaired or rebuilt, but shall be taken down or removed.

Damages, how estimated.

§ 20. The amount or extent of such damages by fire, in case of a disagreement in relation thereto between the board of fire wardens and the owners of such damaged building, shall be determined by two disinterested persons residing in the city of Brooklyn, one of whom shall be appointed by the owners or owner of such building, or his or their lawful agent, and by the board of fire wardens; and in case such two persons disagree, they are to select a third disinterested person, and the decision in writing of any two of them, shall be final and conclusive in the premises, and such building shall not be repaired or rebuilt after the appointment of such persons as aforesaid, nor until after their decision shall be made in writing as aforesaid, finding that such damages do not exceed two-thirds of the value of such building as it existed be-

fore such fire. In case it is rebuilt, it shall have a fire proof roof, and not exceed thirty-five feet in height from the level of the sidewalk to the peak or highest point thereof.

Buildings hereafter erected.

§ 21. No brick or stone dwelling house, store, storehouse or other building now erected, or hereafter to be erected within the western district of the city of Brooklyn, shall be altered, raised, roofed, enlarged or built upon in any such manner that such dwelling, store, storehouse, or other building, were it wholly built or constructed after the passage of this act, would be in violation of any of the provisions of this act.

Penalties.

§ 22. The owner or owners of any dwelling-house, store, storehouse, or other building, or of any ash house, ash hole, or wooden shed, whether he or they be the owner or owners of the land in fee, or be lessee or lessees thereof, or has or have qualified or contingent interest therein, by virtue of some agreement or contract in writing, or in any other manner, who shall violate any of the provisions of this act, and every master-builder, carpenter, mason, or roofer, who may be employed or assist thereon, shall, for every violation, respectively forfeit and pay the sum of five hundred dollars, and pay, in addition thereto, the sum of fifty dollars, for every twenty-four hours such violations shall remain after the time designated in the notice given in writing to remove the same shall have expired. Such notice may be given by any one of the fire wardens; and such notice may be given by serving the same personally, or on the agent of such owner or owners, master-builder or builders, or master-mason, carpenter or roofer, or by posting the same in some conspicuous place where any violation exists; and such additional penalty shall be computed and recovered up to the time of the trial of every suit for the recovery thereof; and in case

such violation shall continue after the trial of such suit, such continuing additional penalty, computing from the time of such trial, may be recovered in any suit or suits to be brought for that purpose.

Closing of hatchways.

§ 23. The occupant or occupants of any store, storehouse, manufactory or other building, in which hatchways or hoistways, or openings of any kind, except the usual stairway, are used throughout any or either floor thereof, or in case the said store, storehouse or manufactories, are unoccupied, and not leased, the owner or owners thereof, and in case they are leased, the lessee or lessees thereof, shall cause the said hatch or hoistways, or other openings, unless said other openings are surrounded by a substantial and permanent railing, at least three feet in height, to be securely shut, closed, and fastened, at the close of each and every day. For any neglect of or violation of any of the provisions of this section, the said occupant or occupants, owner or owners, lessee or lessees thereof, shall forfeit and pay the sum of fifty dollars for each and every hatch or hoistway so left open, in each and every floor or loft in any building under their control.

Powder.

§ 24. All gunpowder which shall be found in any store, storehouse, manufactory or other building whatever in the city of Brooklyn, or which may be found in any cart, wagon or other vehicle, or on board any ship, brig, or other vessel, which shall make fast to or anchor within two hundred feet of any pier, wharf or bulkhead in the said city of Brooklyn, in violation of any of the provisions of this law, shall be immediately seized by the fire-wardens or one of them, and removed to some secure place; and it is hereby made the duty of the chief of police, and every captain and assistant captain of police, and of any policeman or constable to assist in said seizure when called upon.

Navy yard.

§ 25. Nothing in this act contained shall in any way apply to any gunpowder which may be stored in the United

States Navy Yard, or which may be on board of any vessel within the jurisdiction of the United States Navy Yard.

Keeping of powder.

§ 26. It shall not be lawful for any person to have kegs of gunpowder, or cause to be kept in any store, storehouse, manufactory or other building within the city of Brooklyn, any quantity of gunpowder exceeding twenty-five pounds in weight, under the penalty of the forfeiture of the gunpowder, and an additional penaltyof fifty dollars ; and all gunpowder which may be kept in any building within said city, shall be kept in tin canisters, and said canisters shall at all times be kept securely closed.

Carrying of powder in the streets.

§ 27. No person shall carry or cause to be carried any gunpowder, through any street, lane, or alley in the city of Brooklyn, in any cart, wagon or other mode of conveyance, unless the same be secured in tight casks, kegs or cases, well headed and hooped, and said casks, kegs or cases shall be put into and entirely covered with a bag or case sufficient to prevent any of said gunpowder from being spilled or scattered, under penalty of forfeiture of the gunpowder, and a fine of fifty dollars for every violation of the provisions of this act.

Powder in ships.

§ 28. It shall not be lawful for any ship, barque, brig, lighter or other vessel, containing any quantity of gunpowder over and above twenty-five pounds, to make fast to or anchor within two hundred feet of any pier, wharf or bulkhead, within the city of Brooklyn, under the penalty of the forfeiture of all gunpowder on board, and an additional penalty of fifty dollars; provided, further, that in case of an explosion caused by a larger quantity of gunpowder than allowed by law, to be kept in any building or vessel whatever, contrary to the above section of this act, the occupant or occupants of any such building having the same in their possession, and the owner or owners of any vessel as aforesaid, shall forfeit and pay the additional sum of one thousand dollars.

Penalties, how sued for.

§ 29. All fines, forfeitures, or penalties incurred under this act, may be sued for and recovered with costs of suit in any court of record, within the State of New York, by the Fire Department of the city of Brooklyn, in their own name and for the use of the fund of the said Fire Department.

Actions, when to be brought.

§ 30. All actions for any fine, forfeiture or penalty incurred under this act, shall be commenced within six months next after the time of incurring such fine, forfeiture or penalty.

Repeal.

§ 31. All laws and parts of laws heretofore passed, inconsistent with the provisions of this act are hereby repealed, but such repeal shall not affect any suit or prosecutions commenced, or penalty or offence incurred or committed previous to the passage of this act; but every such suit, suits or prosecution commenced or to be commenced, may lawfully proceed, and every such offence or penalty be demanded, prosecuted, recovered or punished, as the case may be, as if the said laws and parts of laws hereby repealed, had remained in full force.

Action to restrain building.

§ 32. Whenever the board of fire wardens shall officially report to the board of trustees of the fire department of said city, that any building is being built within the western district of said city, in such manner that such building would be dangerous and insecure in case the same should get on fire, the said fire department in their corporate capacity, may commence an action in any court of record against the owners or builders of such building, or both, perpetually to restrain such erection of such building, and for that purpose, it shall be the duty of any judge of the court in which such action may be commenced, and of any officer authorized by law to perform the duties of such judge at chambers, upon satisfactory proof that such certificate has been made by said board of fire wardens, to

make an injunction order restraining such owners or builders, or both, from the further erection of such building until the further order of the court in which such action shall be commenced, and the court by its judgment may grant the relief above mentioned.

§ 33. This act shall take effect on the first day of May, eighteen hundred and fifty-five, but shall not affect any building or buildings in the actual course of erection, or contracted in good faith to be erected at the time of its passage. And the common council of the said city of Brooklyn shall publish this act twice a week in every newspaper employed by them, from the time of the passage thereof until that day.

AN ACT

TO ESTABLISH FIRE LIMITS, AND FOR THE MORE EFFECTUAL PREVENTION OF FIRES IN THE EASTERN DISTRICT OF THE CITY OF BROOKLYN. Eastern district.

PASSED APRIL 17, 1857.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fire limits of the eastern district of the city of Brooklyn shall comprise all that portion of said city, commencing at a point where the northerly line of Flushing avenue intersects the southwesterly boundary line of the naval hospital grounds; thence northerly and northwesterly along the southwesterly boundary of said hospital Fire limits of the eastern district.

grounds, to Wallabout bay; thence northerly, along the easterly shore of Wallabout bay and the East river, to the centre line of North Fourth street; thence southeasterly, along the centre line of North Fourth street, to the centre line of North Second street; thence easterly, along the centre line of North Second street, to the centre line of Union avenue; thence southerly, along the centre line of Union avenue, to the centre line of Hayward street; thence southwesterly, along the centre line of Hayward street, to the centre line of Bedford avenue; thence southerly, along the centre line of Bedford avenue, to the northerly line of Flushing avenue; thence westerly along the northerly line of Flushing avenue, to the point or place of beginning. The common council may extend the same from time to time, but notice of the intention to make any application to the common council for any such extension, shall be published in the corporation papers, for at least thirty days before acting on the same. Within the said district, no store, store house, dwelling or any other building whatsoever, shall be erected or built of any other material than brick, stone, or iron.

Partition walls, how supported.

§ 2. Every such dwelling house, store, store house or other building, more than thirty feet in width, shall be built in such manner, that all the floors and roofs thereof, throughout their whole extent, shall be supported by and rest upon one or more partition wall or walls of brick or stone, not less than eight inches thick, or upon girders sustained by proper and sufficient posts, pillars or columns of iron, brick or stone, and so that through the whole extent of such floor and roof, and each of them, the walls shall not be distant from each other or from such intermediate support or supports of brick, stone or iron, more than thirty feet; but such intermediate support or supports in all the stories above the first, may be wooden posts or pillars of such quality and dimensions as shall be approved

by the board of fire wardens of the eastern district of said city; and all such partition walls which shall exceed thirty-five feet in height, from the level of the sidewalk to the peak or highest point thereof, shall not be less than twelve inches thick; but in case said floors or any of them, throughout their whole extent, be supported upon iron beams or girders of proper size and strength, resting upon the outer walls of such store, store house or other building, and distant from each other not more than fifteen feet, then such store, store house or building may be so erected as that in the story or stories beneath each floor so supported, the lateral walls thereof may be distant from each other, or from a partition wall or walls, or intermediate supports as aforesaid a distance of not more than forty feet.

Thickness of walls.

§ 3. All walls, whether party or otherwise, of all brick or stone buildings, hereafter erected or built in the eastern district of the city of Brooklyn, shall not be less than twelve inches thick from the foundation or starting place, to the peak or highest point thereof; but any building, not exceeding twenty-two feet in width, nor forty-five feet in depth, may be built above the foundation or cellar wall, with eight inch side or end walls, which walls shall not be over thirty feet in height from the level of the sidewalk to the peak or highest point thereof; but such building shall not be used as a storehouse or manufactory of any kind or description whatsoever; nor for the purpose of storing any kind of heavy goods; and the side or end wall of any such building may be built thirty-eight feet high, from the level of the sidewalk to the peak or highest point thereof, if the walls of the first story above the level of the sidewalk shall be built of a thickness at least twelve inches from the commencement of the foundation to the extreme height of the story above the level of the sidewalk; but such building shall not be used for the purpose of a manufactory of any description whatsoever, or for a store-

house, or for the purpose of storing any kind of heavy goods.

Chimneys.

§ 4. All discharging or arch pieces used in the chimneys of any dwelling, store, storehouse or other building, hereafter erected or built in the city of Brooklyn, shall recede from any place in any such chimney at least five inches; and no such chimney shall be started and built upon the floor or beams of such dwelling, storehouse or other building, but shall be started at the foundation; and all such chimneys and flues shall be plastered in the inner surface thereof. All hearths shall be supported by arches of brick or stone; and no chimney in any building now erected, or hereafter to be erected within the city of Brooklyn, shall be cut off, to be supported in any manner whatever; provided that such chimney must be supported by an additional wall of four inches, built on the inner side of said wall; but the chimney of any building erected with eight inch walls may be started above the foundation of such building, provided the same are started from, and wholly rest upon a base formed by racking out such eight inch wall with brick or stone, to an additional width of four inches.

Gutters and cornices.

§ 5. All wooden or timber gutters or cornices of any dwelling, store, store house or other building, hereafter built or erected within the eastern district of said city, shall be firmly secured by irons, which shall not be more than seven and a half feet apart from each other; and on all such gutters not exceeding twelve inches in width, the said irons shall be at least two inches in width, and one-half of an inch thick, and on all such gutters exceeding twelve inches in width, five-eighths of an inch thick; and the said irons, except those at the end of the cornice or gutter, shall be fastened or secured to the floor or roof beam, and the end iron shall be fastened in the side or end walls; provided, however, it may be lawful to erect

bracketed gutters, built in the wall, and well secured to wall strips built in the walls at least every two feet.

Plate irons.

§ 6. All plate irons shall be built into the side end of party walls, and the iron anchors used to secure the plate pieces, shall be at least two inches wide and one-half of an inch thick; the anchors at the end of every plate piece shall be worked or built into the side, end or party walls of the building, and the said anchors shall turn down at least four inches. No stone or iron cornice or cornices shall project more than the thickness of the wall on which it rests; and the stones shall run through said wall, or in any case, the greatest weight of stone or iron, or other material, shall be on the inside of said line of said wall or walls. All the mortar shall be made with clear sand, and made with lime or cement in proper proportions; and in no case shall any loam or earthy matter be put in any mortar to be used in the erection of the brick or stone walls of any building or buildings.

Scuttles.

§ 7. All scuttle frames and scuttle doors on every brick or stone dwelling, storehouse or other building, hereafter to be erected or built within the fire limits aforesaid, shall be made of or covered with copper, tin, zinc or iron, and every window and entrance above the first story in the rear of every storehouse over thirty feet in height to the peak or highest part thereof from the level of the side-walk, shall have shutters and doors thereon made of copper or iron, or so covered with copper, tin or other fire proof material, to be approved of by the board of fire wardens of the eastern district of the city of Brooklyn. Every store, storehouse or other building hereafter erected or built as aforesaid, shall have a scuttle or place of egress in the roof thereof.

Planking or sheathing of roofs.

§ 8. The planking or sheathing of the roof of every brick or stone dwelling, store, storehouse or other building

so erected or built as aforesaid, shall in no case be extended across the party, side or end walls thereof, and every such dwelling, store, storehouse or other building, and the top and sides of dormer windows thereon, shall be roofed and covered with slate, iron, copper, tin, zinc or other fire proof materials, except pebble or pitch roof, to be approved of by the board of fire wardens of the eastern district of the city of Brooklyn, and shall be equally capable of withstanding the influence of fire.

Beams of party walls.

§ 9. All beams and other timbers in the party or other walls of every dwelling, store, storehouse or other building hereafter built or erected of brick or stone in said city, shall be separated from the beams or timbers entering into the opposite side of such wall by the distance of at least four inches between the nearest points of such beams or timbers, except that in eight-inch walls the butts or ends of the beams shall be cut on a splay of two and one-half inches in their width. All plate pieces in the front or rear walls thereof shall recede from the outside of such walls at least six inches above the planking or roofing, and shall be covered with a coping of stone or iron.

Bond timbers and lintels.

§ 10. No timber shall be used in the front or rear walls of any dwelling, store or storehouse, or other building hereafter built or erected within the eastern district of said city, where stone, brick or iron is commonly used; each lintel on the inside of the front or rear walls, or side walls, shall have a secure brick arch over it, and no wall strips in any wall thereof shall exceed in thickness a half of an inch, and in width two and a half inches, and no bond timber shall be more than six feet in length; and such bond timber shall be laid at least eighteen inches apart from each other, longitudinally on either side of any wall, and the continuous line thereof shall be broken every six feet by inserting a brick of eight inches; and no front,

rear or other wall of any such dwelling, store, storehouse or other building now erected, or hereafter to be erected as aforesaid, within the fire limits, as extended as aforesaid, or any brick or stone building or buildings in the eastern district of the city of Brooklyn, shall be cut off or altered below, to be supported in any manner, in whole or in part by wood, but shall be wholly supported by brick, stone or iron, and no wood or timber shall be used between such wall and such supporters; but it shall be lawful to insert a lintel of wood over the doors and windows of the first story of stores, provided that oak or Georgia pine is used, and supported with brick, stone or iron, and of such size as may be determined by the board of fire wardens of the eastern district.

Wooden gutters.

§ 11. All wooden gutters of every brick or stone dwelling, store, storehouse or other building hereafter to be erected or built within the city of Brooklyn, shall be lined or covered on the upper surface thereof with copper, zinc, tin or iron, or other fire proof material, to be approved of by the board of fire wardens of the eastern district of the city of Brooklyn.

Roofing of old buildings.

§ 12. If any brick front frame dwelling house or wooden building, already erected within the fire district described in section one of this act, shall require new roofing, it shall and may be lawful for the owner or owners, or proprietors thereof, to put on a new roof, boards or shingles; and it shall be lawful for the proprietor or proprietors, owner or owners thereof, to substitute a flat in place of a peaked roof, provided that such new roofing shall be made of copper, slate, tin, iron, zinc or other fire proof material, to be approved by the board of fire wardens of the eastern district of the city of Brooklyn, and be equally capable of withstanding the influence of fire; and also provided that such building, when new

roofed, shall not exceed thirty-five feet in height from the level of the side walk to the peak or highest point thereof, pebble or pitch roof excepted.

Steeples.

§ 13. All steeples, cupolas or spires of churches, or other buildings, may be covered with boards or shingles, and churches and said other buildings shall be excepted from the operation of such provisions of the act as relate to iron and copper shutters.

Public buildings.

§ 14. Public buildings mentioned in the preceding section are hereby defined to be such buildings as shall be owned and occupied for public purposes by this state, the United States, the county of Kings, the corporation of the city of Brooklyn, or public schools within said city.

Privies.

§ 15. All privies not exceeding ten feet square and fifteen feet in height, and all ferry houses which shall be erected, with the express permission of the said corporation, may be built and covered with wood, boards and shingles.

Ash-holes.

§ 16. All ash holes or ash houses within the said district of the city of Brooklyn, shall be built of brick or stone, without the use of wood in any part thereof.

Wooden sheds.

§ 17. No wooden or frame shed shall hereafter be erected within the fire limits, as described in section one of this act, or as the same may hereafter be extended, except within the district bounded as follows: Beginning at a point where the centre line of North Fourth street intersects the East river, running thence south-easterly along the centre line of North Fourth street to the centre line of First street, thence south-westerly along the centre line of First street and Kent avenue to the centre line of Flushing avenue, thence south-westerly along the centre line of Flushing avenue to the United States naval hospital grounds, thence northerly along the said grounds to Wallabout bay, and thence northerly along said Wallabout bay to the place of beginning. Every such frame or wooden

shed erected within said district shall be left entirely and constantly open upon one whole side thereof, and shall not exceed in height twenty feet from the ground to the peak or highest point thereof.

Wooden buildings within fire limits.

§ 18. No wooden or frame building whatever, whether the same may have a brick front or otherwise, within the district described in section one of this act, shall be raised, enlarged or built upon, nor shall any such building or buildings be removed from any lot out of the fire district, or as it may hereafter be extended, provided, however, that brick front frame dwelling houses and wooden buildings only may be raised under the circumstances, and in the manner especially provided for in section twelve of this act, or left to the control of the fire wardens.

Rebuilding of wooden buildings.

§ 19. Every wooden or frame building with a brick front or otherwise, within the district described in section one of this act, or as the same may hereafter be extended, that shall be damaged by fire to any amount not greater than two-thirds of the value of said building before such fire, may be repaired or rebuilt pursuant to section twelve of this act, but if such damage amounts to more than two-thirds of such value, then such building shall not be repaired or rebuilt, but shall be taken down or improved.

Damages, how estimated.

§ 20. The amount or extent of such damage by fire, in case of disagreement in relation thereto between the board of fire wardens and the owners of such damaged building, shall be determined by two disinterested persons residing in the eastern district of the city of Brooklyn, one of whom shall be appointed by the owner or owners of such building, or his or their lawful agent, and the other by the board of fire wardens; and in case such two persons disagree, they are to select a third disinterested person, and the decision in writing of any two of them shall be final and conclusive in the premises; and such building shall

not be repaired or rebuilt after the appointment of such persons as aforesaid, nor until after their decision shall be made in writing as aforesaid, finding that such damages do not exceed two-thirds of the value of such building as it existed before such fire. In case it is rebuilt, it shall have a fire proof roof, and not exceed thirty-five feet in height from the level of the sidewalk to the peak or highest point thereof.

Altering brick buildings.

§ 21. No brick or stone dwelling house, store or storehouse, or other building, now erected or hereafter to be erected within the eastern district of the city of Brooklyn, shall be altered, raised, roofed, enlarged or built upon, in any such manner that such dwelling, store or storehouse, or other building, were it wholly built or constructed after the passage of this act, would be in violation of any of the provisions of this act.

Penalties.

§ 22. The owner or owners of any dwelling house, store, storehouse or other building, or of any ash house, ash hole or wood shed, whether he or they be the owner or owners of the land in fee, or lessee or lessees thereof, or has or have qualified or contingent interest therein, by virtue of some agreement or contract in writing, or in any other manner, who shall violate any of the provisions of this act, and every contracting party or parties having charge of the same, shall for every violation, respectively, forfeit and pay the sum of two hundred and fifty dollars, and pay in addition thereto the sum of fifty dollars for every twenty-four hours such violation shall remain after the time designated in the notice given in writing shall have expired; such notice may be given by any one of the fire wardens, and such notice may be given by serving the same personally, or on the agent of such owner or owners, contractor, contracting parties, or by posting the same in some conspicuous place where any violation exists; and such additional penalty shall be computed and recovered up to the time of the trial of every suit for the recovery thereof; and

in case such violation shall continue after the trial of such suit, such continuing additional penalty, computing from the time of such trial, may be recovered in any suit or suits to be brought for that purpose.

Closing of hatchways

§ 23. The occupant or occupants of any store, storehouse, manufactory or other building, in which hatchways or hoistways, or openings of any kinds, except the usual stairway, are used throughout or in either floor thereof; and in case they are leased, the lessee or lessees thereof shall cause the said hatch or hoistways, or other openings, unless said other openings are surrounded by a substantial and permanent railing, at least three feet in height; to be securely shut, closed and fastened, at the close of each and every day; for any neglect of or violation of any of the provisions of this section, the said occupant or occupants, owner or owners, lessee or lessees thereof, shall forfeit and pay the sum of fifty dollars for each and every hatch or hoistway so left open in each and every floor or loft in any building under their control.

Gunpowder.

§ 24. All gunpowder which shall be found in any store, storehouse, manufactory or other building whatever, in the eastern district of the city of Brooklyn, or which may be found in any cart, wagon, or other vehicle, or on board any ship, brig, or other vessel, which shall make fast to, or anchor within two hundred feet of any pier, wharf or bulkhead in the eastern district of the city of Brooklyn, in violation of any of the provisions of this law, shall be immediately seized by the fire wardens, or one of them, and removed to some secure place; and is hereby made the duty of the chief of police, and every captain and assistant captain of police, and of any policeman or constable, to assist in said seizure when called upon, (United States vessels excepted.)

Navy yard.

§ 25. Nothing in this act contained shall in any way

apply to any gunpowder which may be stored in the United States navy yard, or which may be on board of any vessel within the jurisdiction of the United States navy yard.

Keeping gunpowder in buildings.

§ 26. It shall not be lawful for any person to have kegs of gunpowder, or cause to be kept in any store, storehouse, manufactory or other building within the city of Brooklyn, any quantity of gunpowder, exceeding twenty-five pounds in weight, under the penalty of the forfeiture of the gunpowder, and an additional penalty of fifty dollars; and all gunpowder which may be kept in any building within said city, shall be kept in one pound tin canisters; and said canisters shall at all times be kept securely closed, and separate and apart from each other.

Carrying gunpowder in the streets.

§ 27. No person shall carry, or cause to be carried, any gunpowder through any street, lane or alley in the city of Brooklyn in any cart, wagon or other mode of conveyance, unless the same be secured in tight casks, kegs or cases, well headed and hooped, and said casks, kegs or cases shall be put into, and entirely covered with a bag or case, sufficient to prevent any of said gunpowder from being spilled or scattered, under the penalty of forfeiture of the gunpowder, and a fine of fifty dollars for every violation of the provisions of this act.

Gunpowder in vessels.

§ 28. It shall not be lawful for any ship, barque, brig, lighter or other vessel, containing any quantity of gunpowder over and above twenty-five pounds, to make fast to or anchor within two hundred feet of any pier, wharf or bulkhead within the city of Brooklyn, under the penalty of forfeiture of all gunpowder on board, and an additional penalty of fifty dollars; provided, further, that in case of any explosion caused by a larger quantity of gunpowder than allowed by law to be kept in any building or vessel whatever, contrary to the above section of this act, the occupant

or occupants of any such building, having the same in their possession, and the owner or owners of any vessel, as aforesaid, shall forfeit and pay the additional sum of one thousand dollars.

Penalties, how recovered.

§ 29. All fines, forfeitures or penalties incurred under this act may be sued for and recovered with cost of suit in any court of record within the state of New York by the fire department of the eastern district of the city of Brooklyn in their own name, and for the use of the fund of the said fire department.

Actions to be commenced in six months.

§ 30. All actions for any fine, forfeiture or penalty incurred under this act, shall be commenced within six months next after the time of incurring such fine, forfeiture or penalty.

Repeal.

§ 31. All laws and parts of laws heretofore passed, inconsistent with the provisions of this act are hereby repealed, but such repeal shall not affect any suit or prosecution commenced, or penalty or offence incurred or committed previous to the passage of this act, but every such suit, suits or prosecutions, commenced or to be commenced, may lawfully proceed, and every such offence or penalty be demanded, prosecuted, recovered or punished, as the case may be, as if the said laws and parts of laws hereby repealed had remained in full force.

Injunction to prevent the construction of buildings.

§ 32. Whenever the board of fire wardens shall officially report to the board of trustees of the fire department of said eastern district of the city of Brooklyn, that any building is being built within the eastern district of said city, in such manner that such building would be dangerous and insecure in case the same should get on fire, the said fire department, in their corporate capacity, may commence an action in any court of record against the owner or builder of such building, or both, perpetually to restrain such erection of such building, and for that purpose it shall

be the duty of any judge of the court in which such action may be commenced, and of any officer authorized by law to perform the duties of such judge at chambers, upon satisfactory proof that such certificate has been made by said board of fire wardens, to make an injunction order restraining such owners or builders, or both, from the further erection of such building until the further order of the court in which said action shall be commenced, and the court by its judgment may grant the relief above mentioned.

§ 33. This act shall take effect immediately.

AN ACT

TO PROVIDE FOR THE SUPPLY OF THE CITY OF BROOKLYN WITH WATER.

PASSED 11TH FEBRUARY, 1857.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

The rights of the Nassau water company transferred to the city of Brooklyn.

SECTION 1. The holders of the stock issued by "The Nassau Water Company," other than the city of Brooklyn, may file in the office of the clerk of the city of Brooklyn, a written consent that the city of Brooklyn may purchase their said stock at the par value thereof, with seven per cent. interest from the date of such issue; and the city of Brooklyn shall thereupon pay to the said stockholders, or their assigns, such par value with the interest as aforesaid; whereupon all the contracts, property and rights of the said company, of every nature and description whatsoever, shall vest absolutely in the city of Brooklyn, and the city of Brooklyn shall assume and be charged with all the outstanding contracts, debts and liabilities of the said company.

Board of water commisssoners.

§ 2. There shall be a board of water commissioners, consisting of seven members, to supervise the construction of the works for supplying the city of Brooklyn with water, and to complete the same, under and according to a contract for that purpose entered into between "The Nassau Water company" of the one part, and Henry S.

Welles, and Charles F. Welles, jr., doing business under the firm name of "Henry S. Welles & Co.," of the other part, bearing date the tenth day of June, eighteen hundred and fifty-six; and the said commissioners are hereby vested with all the powers, and are authorized to perform all the duties requisite or necessary in and about the construction and completion of the said water works as aforesaid, and which they might exercise and perform for such purpose, if they constituted the board of directors of the said company, and no transfer of the rights of the said company had been made to the city of Brooklyn. No alteration increasing the cost of the said works under the said contract, shall be made by the said commissioners, without the assent of the common council of the said city.

Whom to consist of.

§ 3. The present directors of the said company, namely: John H. Prentice, William Wall, Daniel Van Voorhis, James Carson Brevoort, Nicholas Wyckoff, Thomas Sullivan, and Nathaniel Briggs, are hereby constituted and appointed said water commissioners. They shall enter upon their duties as commissioners, when the city of Brooklyn shall become vested with the contracts, property, and rights of said company, as aforesaid, and shall hold office until the said water works are completed as contemplated by the said contract, but they shall receive no compensation for their services. In case any vacancy shall happen by reason of the death or resignation of any commissioner, the board of commissioners shall nominate some person to fill such vacancy, to be approved by the mayor of said city; and in case a disapproval by said mayor, they shall continue to nominate until his approval is obtained. Each commissioner shall execute a bond to the city of Brooklyn, with two sureties, to be approved by a justice of the supreme court in the first or second district, in the penal sum of twenty thousand dollars, conditioned that he shall faithfully perform his duties, and account for all moneys which shall come into his hands, as such com-

missioner. Such bond shall be filed in the office of the said city clerk.

Officers thereof.

§ 4. The board of commissioners shall elect one of its members president, and another secretary; and may make such by-laws, rules, and regulations for the transaction of its business, and for the government of its officers, agents, and employees as shall be convenient, and not contrary to law. A majority of the commissioners shall constitute a quorum for the transaction of business.

How to acquire land.

§ 5. The proceedings to acquire land and water and interest therein, and to extinguish claims for damages, which are authorized by the act incorporating the said company, may be taken in like manner by the said commissioners, but in the name and on behalf of the city of Brooklyn.

Pending legal proceedings.

§ 6. All legal proceedings under the act incorporating the said company, which shall be pending when the contract, property, and rights of the said company shall be vested in the city of Brooklyn, as herein provided, may, at the option of the commissioners, be continued in the name of the said company, or be prosecuted by them to completion in the name of the city of Brooklyn.

Commissioners to draw upon comptroller.

§ 7. The said commissioners may draw upon the comptroller of the city of Brooklyn, for any sum in favor of, and to be paid to the owner of any lands, streams, or property acquired or affected by virtue of this act, and in favor of, and to be paid to any contractor for any sum due on his contract, and also to be paid for any charges and expenses incurred by them in the performance of their duties. Such drafts shall specify the objects for which they are drawn, and shall be paid by the said comptroller on their presentation.

Prior bonds confirmed.

§ 8. The action of the common council of the city of Brooklyn, adopted on the fourth day of June, eighteen

hundred and fifty-six, and approved by the mayor thereof, on the ninth day of June, eighteen hundred and fifty-six, in relation to the manner of supplying the said city with water, and authorizing the subscription by the city of Brooklyn, of the sum of thirteen hundred thousand dollars to the stock of the said company for that purpose, and the subscription to said stock by the mayor of said city; and the issuing of city bonds in payment thereof, in conformity with such action, are hereby ratified and confirmed, and the bonds issued in payment of such subscription are hereby declared to be binding upon the city of Brooklyn, and the said city shall issue new bonds in place of any bonds issued on account of such subscription in the form provided in the next section of this act, upon the surrender by the holders thereof of the bonds issued on account of such subscription.

Additional bonds to be issued.

§ 9. The bonds of the said city, for the additional amount of two millions nine hundred thousand dollars, and such further amount as shall be necessary to pay the interest on the said bonds already issued, and hereafter to be issued, until such interest shall be met by the income of the water works and taxation, as hereinafter provided, shall be issued by the mayor, comptroller and clerk of the said city, in the manner heretofore done by them in regard to the other bonds of the said city, from time to time as the same shall be required, for the purposes of this act, payable in not less than twenty-five, nor more than forty years; bearing interest at the rate of six per cent. per annum, payable half-yearly, on the first day of July and January in each year; and the said bonds, issued and hereafter to be issued, and the proceeds of the sale thereof, shall constitute the fund for paying the cost of constructing and completing the said water works.

Bonds to be sold.

§ 10. The said bonds, issued and hereafter to be issued as aforesaid, may be sold by the said commissioners, at

public or private sale, and the proceeds of such sale shall be by them paid over to the treasurer of said city. The commissioners, with the concurrence of the said mayor and comptroller, may pledge the said bonds for money borrowed temporarily, at a higher rate of interest, if they shall deem the necessities of the work to require it.

Secured by the city property.

§ 11. The property of the city of Brooklyn, including the water works, reservoirs, lands, ponds, streams, right of way, pipes, and hydrants, are hereby pledged for the payment of the bonds issued and hereafter to be issued, as aforesaid, with interest.

Sinking fund created.

§ 12. There shall be added to the general tax, for the city of Brooklyn, at large, in the year eighteen hundred and fifty-eight, and yearly thereafter, and levied and collected therein, such sum of money in each of said years, as shall be necessary to pay any deficiency which the net income of the water works, after paying the annual expenses thereof, shall be insufficient to pay of interest for any such year, or any such bonds, and the further sum of fifty thousand dollars, which is hereby directed to be paid to the commissioners of the sinking fund of the said city, and held and managed by them for the full and final redemption of said bonds, and for no other purposes. It shall be the duty of the mayor and comptroller of said city, to estimate and ascertain the amount of such deficiency, and transmit a statement of the same in each year to the board of supervisors of the county of Kings, in time to have such account included in the general tax of the said city for that year; and it shall be the duty of the supervisors to cause such account to be included in such general tax.

Improvements exempt from taxation.

13. The lands which shall be occupied by the said water works, in Kings and Queens counties, shall be taxed at the value of the land, exclusive of any improvements

thereon; and all such improvements shall be exempt from taxation.

§ 14. All acts and parts of acts, inconsistent with this act, are hereby repealed.

§ 15. This act shall take effect immediately.

DRAINAGE AND SEWERAGE.

AN ACT

IN RELATION TO SEWERAGE AND DRAINAGE IN THE CITY OF BROOKLYN.

PASSED APRIL 15, 1857—THREE-FIFTHS BEING PRESENT.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Water commissioners to be commissioners of drains and sewers.

SECTION 1. The board of water commissioners, as provided for in an act entitled an act to provide for the supply of the city of Brooklyn with water, passed the eleventh day of February, one thousand eight hundred and fifty-seven, shall be and are hereby constituted the commissioners under this act, and shall have power to devise and frame a plan of drainage and sewerage of the whole of said city upon a regular system, for the purpose of thoroughly draining and carrying off the water and filth proper to be carried off by sewers, for the health and convenience of the inhabitants of said city. The plan shall show the location and direction, size and slope of each drain and sewer, whether mains or laterals, and its depth below the surface and connections with other drains and sewers, and such other particulars as may be necessary and proper for the purpose of presenting a complete and entire plan of such drainage and sewerage; they shall have access for all their purposes to all maps, surveys and documents in the public offices of said city. They shall appoint one general superintendent, and as many engineers, surveyors, assis

tants and clerks as may be necessary to carry out the provisions of this act; the said superintendent shall apportion all assessments hereinafter mentioned, and perform and execute such other duties under this act as the said commissioners may delegate to him, in the same manner and with the same effect as if performed and executed by the said commissioners. They shall pay the said superintendent a salary of two thousand dollars a year. They may pay to said engineers, surveyors, assistants and clerks, such compensation as they may think proper, and incur such other incidental expenses as may be necessary in performance of their duties under this act.

To keep a record of their proceedings.

§ 2. The said commissioners shall keep a record of their acts and proceedings, which record shall be filed on the completion of their term in the office of the street commissioner of the city of Brooklyn. For all purposes of this act the said commissioners shall have jurisdiction and control over all streets and avenues in said city.

Expenses, how paid.

§ 3. The expenses mentioned in the preceding sections of this act shall be disbursed by the said commissioners, who may borrow the amount thereof, if necessary, in such sums as may be requisite in anticipation of the same being raised by tax. They shall deliver annually to the mayor of said city a statement of the amount necessary to be raised to pay such expenses and interest on any moneys borrowed as aforesaid; who shall thereupon transmit the same to the supervisors of the county of Kings, who shall cause such amount to be levied upon the taxable property of said city in the next general tax, and the amount so levied shall be collected with such general tax, and paid by the city treasurer to the said commissioners, upon the warrant of the mayor and comptroller of said city, countersigned by the city clerk, who are hereby directed to pay the same out of any moneys collected in such general tax.

Their plan of drainage and sewerage to be submitted to public examination.

§ 4. Whenever the said commissioners have prepared the said plan of drainage and sewerage, in whole or in part, of the said city of Brooklyn, they shall cause public notice to be given in all the newspapers published in the city of Brooklyn, that such plan has been filed in their office for inspection, and that they will meet at a time and place in said city, to be specified in said notice not less than twenty days after the first publication of such notice, when they will receive the views and suggestions and objections of any parties interested in the drainage and sewerage of said city. The said commissioners shall hear such parties at the time and place so specified, or at any adjourned meeting then and there proclaimed, and shall thereupon amend and correct the same as they may deem proper, and file a copy thereof as amended and corrected and duly certified by them, in the office of the street commissioner of said city, and a similar copy in the office of the register of the county of Kings, whereupon the plan or any part thereof therein set forth shall be the permanent plan of sewerage of the city of Brooklyn.

Commissioners to construct drains and sewers.

§ 5. The said commissioners shall, upon the filing of the said amended and corrected plan, proceed to construct such of the drains and sewers therein adopted as the public health, convenience or interest shall demand, or so much thereof as may be necessary; they shall cause specifications of the work in the most approved form and character to be made, and shall let the same out to be done by contract to such persons as shall best in their judgment subserve the interests of the public and the parties assessed. They shall employ proper persons to inspect the work, and may employ counsel to aid them in the performance of their duties.

Expenses, how apportioned.

§ 6. The expenses attending the construction of drains and sewers shall be borne as follows, that is to say: the amount of so much of the expenses of constructing any

main drain or sewer as shall, in the judgment of the said commissioners, exceed the cost of a proper lateral drain or sewer for the street in which such main drain or sewer shall be laid, shall be assessed upon the owners of lands other than those fronting on such streets or avenues as shall be drained by or discharge their waters through any lateral sewer in such main drain or sewer, in proportion to the benefit derived by such owners respectively, by such main drain or sewer, not exceeding any actual benefit derived therefrom by them respectively; the balance of such expenses for the construction of any main drain or sewer, and the expenses of constructing any lateral drain or sewer, shall be assessed by the said commissioners upon the owners of lots fronting on the streets and avenues through which such sewer shall be laid, in proportion to the benefit derived by them respectively, not exceeding the actual benefit derived therefrom by them respectively.

Assessments therefor, how made and collected.

§ 7. The said commissioners shall cause assessments for the expenses as aforesaid of each sewer constructed by them to be made out in proper form, with diagrams showing the property assessed and the names of the owners thereof, and when such assessment is made, publish a notice in the corporation newspapers that the same has been completed, and of a place in said city where the same may be examined, and of a time not less than ten days thereafter when, and a place in said city where, they will meet to hear objections thereto. They shall then and there hear parties objecting, and shall thereupon proceed to amend and correct such assessment as they may deem proper. They shall then certify the same to be complete, and send the same so certified to the common council of said city, together with a copy of the contract made by them for the work and a certificate of the expenses included in such assessments, and to whom the same may be payable, and thereupon such assessments shall have the same force and

effect as, and shall be deemed to be local assessments, within the operation of the charter and laws relating to said city, and the ordinances thereof and the assessment therein made shall become a lien upon the lands so assessed; and the owners of the lands so assessed shall be liable to pay such assessments, and a warrant for the collection of the same shall be issued, and the actual collection thereof shall be made in the same manner as if such assessments were for a local improvement under the charter and laws in force relating to said city, and all provisions of said charter and laws and of the ordinances of said city in relation to assessments for local improvements after the confirmation thereof, and in relation to the collection of the same, the making assessments liens upon the lands assessed, making the owners of lands and their personal property liable to pay assessments thereon, issuing warrants for collection of assessments, the duties of collector and other city officers in regard to collecting assessments, the sale of lands for the non-payment of assessments, the redemption of lands from sales for assessments, the description of assessment lists, the payment of money raised by assessment to the parties entitled to such moneys, shall, so far as the same can be made applicable, apply to the assessments for such drains and sewers respectively, after the same shall be transmitted to the common council as aforesaid, and shall apply to the persons interested therein, and to the land so assessed, and the owners thereof respectively, and to the city officers and the parties entitled to the moneys so assessed.

Land may be taken for the purpose of drains and sewers.

§ 8. In case the said commissioners shall, in devising and framing a plan of sewerage and drainage, find it necessary to construct a sewer or drain through any part of any street or avenue not opened by law, and such sewer or drain cannot be constructed so as to properly drain any portion of said city without carrying the same through any

part of such street or avenue not opened as a public street or avenue, it shall be lawful for said commissioners, or a majority of them, to present a petition to the supreme court at a general or special term thereof, held in the city of Brooklyn, for the appointment of commissioners to proceed to open said street or avenue in the same manner as now provided by law for opening streets and avenues by petition to the common council of said city, and the said court, upon such application, shall be authorized to appoint such commissioners. Ten days' notice of such intended application shall be published in the newspapers employed by the mayor and common council of the city of Brooklyn for the publication of ordinances and notices, stating the time and place when such petition will be presented to the court; all parties in interest may be heard before said court, and if said court shall make an order for the appointment of such commissioners, then all the laws in relation to opening streets and avenues in said city, the awarding of damages, making assessments a lien, and fixing districts of assessments, and collecting such assessments, shall be applicable thereto in the same manner as if such street or avenue had been opened on petition to the common council of said city.

Repealing clause.

§ 9. All acts and parts of acts inconsistent with this act are hereby repealed, so far as the same conflict with this act.

§ 10. This act shall take effect immediately.

BOARD OF EDUCATION.

AN ACT

TO REORGANIZE AND REGULATE THE COMMON SCHOOLS AND THE BOARD OF EDUCATION IN THE CITY OF BROOKLYN.*

PASSED APRIL 4, 1850—THREE-FIFTHS BEING PRESENT.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of education, of whom to consist.

SECTION 1. The common council of the city of Brooklyn shall, on the first Monday of February after this act becomes a law, appoint thirty-three persons, residents of said city, one of whom at least, shall reside in each school district thereof, who together shall constitute a board of education. It shall then divide the said board into three equal classes, each class containing eleven members, and shall determine by lot their respective terms of office, so that the first class shall serve one year, the second two years, and the third three years. In each year thereafter, the said common council shall appoint eleven members of said board, care being had to preserve the representation of at least one member from each school district, whose term of office shall continue three years, and in case a vacancy shall at any time occur in said board, the said council shall supply the same. The persons so appointed

* See Laws of 1856, Chap. 80, and Chap. 179.

shall be re-eligible, and shall hold office until their successors are appointed and shall have qualified.

To have entire charge of public schools.

§ 2. The board of education shall have the entire charge and direction of all the public schools of said city, and of the school moneys raised for the support of the same, and shall possess the powers, and be subject to the general duties of trustees of common schools in this state, so far as the same are not impaired or affected by this act. It shall annually choose a presiding officer, make its own by-laws, keep a journal of its proceedings, define the duties of its officers and committees, and prescribe such rules and regulations for instruction and discipline in the said public schools, as are not inconsistent with the laws of the state; and all the provisions of the act relating to resignations and expulsions in the common council shall be applicable to the board of education.

The city a school district for purposes of taxation.

§ 3. The whole city shall be a school district for all purposes of taxation, as well for the purchase of school sites and the building and repairing of school houses, as for the annual support of schools; but shall be divided by the board of education into as many districts as there are schools, for the purpose of determining the limits within which children may attend such schools.

To establish schools for colored children, and evening schools.

§ 4. The board of education shall have power to organize and establish schools for colored children, and such evening schools as it may, from time to time, deem expedient, and shall adopt the necessary rules for the government of the same. It may make use of the public school houses under its charge for such evening schools, and the expense of said schools shall be paid out of the general fund, in the same manner as those of the other public schools. No person shall be prohibited from attending the evening schools on account of age.

To appoint a city superintendent.

[§ 5. The board of education shall annually appoint a city superintendent of common schools, whose duty, in

addition to the visitation and superintendence of the schools, shall be to examine teachers, and grant certificates in such manner and form as may be prescribed by the state superintendent of public instruction, which shall not be in force longer than one year, and may at any time be revoked by the board of education. He shall also make such annual and other reports of the condition of the schools, as he may be required by law or by the said board, and perform such other duties as may be prescribed by the said board in relation to the common schools of said city. The said board shall also annually appoint a secretary to said board, who shall perform such duties as may be prescribed by the said board. Such superintendent and secretary shall be paid salaries out of the general fund, to be fixed by the said board. They may be removed from office by a vote of a majority of all the members of the board of education.]*

Treasurer.

§ 6. The treasurer of the city shall be, ex-officio, the treasurer of the board of education, and shall receive to the credit of said board, from the county treasurer, the amount of school money to which the city is entitled from the state appropriation, together with such amount as is raised by the board of supervisors, to entitle the city to its distributive share of the school moneys of the state, and from the city collector the money raised by tax for the support of schools; and he shall disburse the same only by the order and upon the warrant of the board of education, drawn in favor of the person entitled to payment, signed by the presiding officer of the board, and countersigned by its secretary.

To give bonds.

§ 7. The treasurer shall give such bonds for the faithful

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* As amended. Laws of 1857, Chap. 112.

performance of his duty as the common council may require, and shall report monthly to the board of education his receipts and expenditures, with the balance remaining on hand to the credit of the board, and such other information in relation thereto, as the board of education may, from time to time, require.

§ 8. (Repealed by city charter, title XI, section 13.)

Annual statement.

§ 9. The board of education shall present, annually, on or before the first Monday in February, to the common council, an estimate of the money required to be raised in the ensuing year for the support of the schools and for the purchase of school sites, as well as for the building and repairing of school houses; and the common council shall determine what sums shall be raised for such purposes, respectively, in addition to the amount already required by law in order to entitle the city to its distributive share of the state school money.

Amount to be raised annually.

§ 10. The amount of money to be raised for the support of schools in any one year, exclusive of the sums required to purchase sites, and to build and repair school houses, as well as to entitle the city to its share of the state school money, shall not be less than one dollar and twenty-five cents, nor more than one dollar and seventy-five cents, for each child between the ages of five and sixteen years, within the city, as ascertained by the previous census, herein required to be taken on the thirty-first of December in each year.

How levied.

§ 11. The several amounts so determined by the common council to be raised as aforesaid, shall be levied upon all the taxable property of the city, in the same manner, and at the same time as the taxes for city purposes, and shall be stated and sent to the board of county supervisors, to be levied and collected accordingly.

To be placed to the credit of the board of education.

§ 12. The board of supervisors, in their warrant to the collector, shall direct him to pay the amount so to be collected to the treasurer of the city, to the credit of the board of education, out of the first moneys collected.

School property to be valued.

§ 13. It shall be the duty of the first board of city assessors elected after this law shall take effect, to estimate the value of the school property of each school district as heretofore existing, and certify the same to the board of supervisors. The supervisors shall thereupon proceed to equalize the said value by assessing the aggregate amount thereof upon the whole city, and crediting each school district on account of its general tax, with the value of its separate school property, and its special school taxes already laid and in progress of collection.

Schools and school-houses.

§ 14. The board of education shall determine the number and location of schools; but no expenditures for the purchase of ground or the erection of school houses shall hereafter be made, unless the same shall have been approved of by the common council. Such approval shall be deemed to have been given when the tax therefor shall be approved by the common council, and levied by the supervisors; or it may be specially given upon the application of the board of education to make expenditure in anticipation of a tax to be levied in the ensuing year.

Title to school property.

§ 15. The title of all property now or hereafter to be required for school purposes, shall be vested in the board of education.

Libraries and apparatus.

§ 16. The board of education shall determine whether any and what portion of the state appropriation and the county tax, designated as library money, shall be applied to the purchase of school libraries and apparatus, and the disposition thereof; and the residue of said money shall be applied to the payment of teachers' wages, or for the purchase of school books, and to no other purpose.

Funds.

§ 17. The money raised for the purchase of school sites, and the building, repairing and furnishing of school houses, shall be known as the "special school fund," and all other moneys as the "general school fund;" and it shall be the duty of the board of education to keep accurate accounts of its receipts and expenditures, distinguishing between those of a general and those of a special character; and it shall not be lawful to expend any portion of the moneys raised for the use of one of said funds, for the purposes of the other of said funds, but the expenditures shall be made in conformity with the appropriations under which the funds were levied and collected.

Annual returns.

§ 18. The board of education shall make returns annually, to the common council, of its receipts and expenditures, specifying those on account of the general and special funds respectively, with such other details as the common council may from time to time require.

Moneys not to be applied to sectarian schools.

§ 19. No school in said city shall be entitled to any portion of the school moneys, in which the religious sectarian doctrine or tenets of any particular christian or other religious sect shall be taught or inculcated, or which shall refuse or prohibit visits or examinations by the city superintendent or members of the board of education of said city; provided that this section shall not be deemed to prohibit the use of the holy scriptures without note or comment.

§ 20. (Repealed by city charter, title XI, section 13.)

AN ACT

TO ESTABLISH COURTS OF CIVIL AND CRIMINAL JURISDICTION IN THE CITY OF BROOKLYN.

PASSED MARCH 24, 1849.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be elected in the city of Brooklyn, at the next charter election to be held in said city, and every six years thereafter, a city judge, who shall hold his office for six years, from the first day of May next after his election, and shall be subject to removal in the same manner as the county judge.* City judge to be elected.

§ 2. The said judge, alone, or, in case of his absence, inability to attend, or vacancy in such office, the mayor, and any two aldermen of said city, shall hold a court of civil jurisdiction, to be called "The City Court of Brooklyn," which shall be a court of record, and its jurisdiction shall extend to the following actions: To hold city court.

1. To the actions enumerated in section one hundred and three of the Code of Procedure, when the cause of action shall have arisen, or the subject of the action shall be situate, within the said city. Jurisdiction.

2. To all other actions where all the defendants shall

* See Laws of 1852, Chap. 314, which follow this act.

reside or be personally served with summons, within said city.

3. To actions against corporations created under the laws of this state, and transacting their general business within said city, or established by law therein.

Terms.

§ 3. The said court shall be held once in each month, and shall commence on the first Monday thereof, and may be continued for four weeks.

Powers of court.

§ 4. The said courts hall possess the powers and authority in relation to actions in said court, and the process and proceedings therein, as are possessed by the supreme court in relation to actions pending in the said supreme court.

And all laws regulating the practice of the supreme court and the course of procedure therein, shall, as far as practicable, apply to and be binding upon the said city court, and the said city court shall have power to review all of its decisions and to grant new trials.

Effect of docketed judgment.

§ 5. Every judgment of said city court may be docketed, and shall be a lien in the like manner and to the same extent, as judgments recovered in the supreme court. And the said city court shall have the same power over the dockets of its judgments in the office of any county clerk, and over such county clerk in respect to the same, as, for the time being, may be possessed by the supreme court in respect to the dockets of judgments in the supreme court. And the said city court shall possess the like powers, in relation to process which may be issued out of said court, as is now possessed by the supreme court in relation to process issued out of the said supreme court.

Appeals to supreme court.

[§ 6. An appeal may be taken from any judgment or final determination of said city court, and from any intermediate order, involving the merits and necessarily affecting the judgment, to the supreme court, at a general term

thereof; and all provisions of law relative to appeals from courts of inferior jurisdiction to the supreme court shall apply to appeals from said city court.

[§ 7. There shall be a clerk of said court to be appointed by said court, who shall have power to take acknowledgment of satisfaction of judgments in said court, to be recorded in any county in which such judgments may be docketed. He shall receive the same fees for his services in civil cases, as is provided for similar services by the county clerk, and shall pay such fees to the county treasurer of the county of Kings. Clerk of court. His fees.

[§ 8. The clerk shall, at the expense of the county, provide such necessary books as may be required for the discharge of his duties as such clerk. He may appoint a deputy, who shall, in the absence of the clerk from his office or from the court, possess all his powers and perform all his duties. Books. Deputy.

[§ 9. The said city court shall devise its own seal, at the expense of said county of Kings; and a description thereof, attested by the said clerk, shall be deposited with the secretary of state. Seal.

[§ 10. The said city court, and the office of the clerk thereof, shall be held at the City Hall of the city of Brooklyn; and the supervisors of the county of Kings shall, at the expense of said county, furnish and provide all apartments and accommodations necessary for the said court. And the mayor and aldermen of the city of Brooklyn, while sitting as members of said city court, shall each be entitled to receive for their services in that capacity, the sum of three dollars per day, to be paid by the county treasurer of the county of Kings, on the certificate of the clerk of said city court.]* Clerk's office and court.

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* As amended. Laws of 1850, Chap. 102.

Court of criminal jurisdiction.

§ 11. The said city judge, with the mayor and an alderman, or with any two aldermen of said city, or in case of the absence of said city judge, his inability to attend, or vacancy in said office, the mayor and any two aldermen of said city may and shall hold a court of criminal jurisdiction, which shall also be called "The City Court of Brooklyn," which shall have criminal jurisdiction to the same extent and in the same manner and with the same powers as the courts of sessions of the several counties of this state in the indictment and trial of all offences committed in the said city. Whenever any bill of indictment for any offence shall have been transmitted to the said court, pursuant to the provisions of the next section, the proceedings thereon shall be in all respects the same as on indictments in a court of sessions.

Indictments.

§ 12. When an indictment shall be found in the court of oyer and terminer, or in the court of sessions of the county of Kings, for any offence specified in the last preceding section, triable by a court of sessions, either of the said courts in which said indictments shall be, may order the same to be transmitted to the said city court, and shall bind by recognizance, in the manner now prescribed by law, the witnesses and the party or parties to said indictment to appear in said city court, at the next term thereof, and when any recognizance thus taken shall have become forfeited, the same may be prosecuted in the said city court. And the said city court shall have power in their discretion to remand such indictment, and to remit any indictment found in the said city court to the said court of oyer and terminer, or sessions of the peace.

Terms.

[§ 13. The said court shall be held once in each month, and shall commence on the first Monday thereof, and may be continued for four weeks. The terms of the said court held in the months of May, July, September, November,

January and March in each and every year, shall be devoted exclusively to the transaction of civil business and trials in civil cases; and the terms held in the months of June, August, October, December, February and April, shall be exclusively devoted to the transaction of criminal business and trials in criminal cases.

Sheriffs and constables.

[§ 14. The sheriff of the county of Kings, his under sheriff, or one of his deputies, and so many constables or marshals of said city as shall be directed by the said city judge and summoned by the said sheriff, shall attend the sittings of the said court, and shall receive the same compensation therefor as is allowed by law to constables for attending other courts of record, and shall be paid by the county treasurer in the same manner.]*

List of jurors to be made.

§ 15. The mayor, with the assessors of the several wards in the said city, shall immediately after this act takes effect, and in the month of May in each year thereafter, make out, return to, and file with the clerk of the said city court, a list of the residents of the said city, qualified to serve as grand jurors; and also make out, return, and file as aforesaid, a list of the names of such persons, residents in said city, not exempt from jury service, as should, in their opinion, be returned, as qualified for petit jurors in said court; which said first mentioned list shall be called the grand jury list, and the last mentioned list shall be the petit jury list, from which the jury for said court shall be drawn.

Clerk to write names on separate papers.

§ 16. From the list of grand jurors so returned and filed, the clerk of the said city court shall write on separate pieces of paper the names of the persons contained in said list, and deposit the same in a box to be provided for that purpose; and not less than six, nor more than ten days before the holding of any term of the said city court, the said clerk, in the presence of the city judge, or one of the

* As amended. Laws of 1850, Chap. 102.

aldermen of said city, shall draw out the names of twenty-four persons, to serve as grand jurors at such court, without any previous notice for that purpose; and in like manner, the said clerk, from the list of petit jurors, shall draw the names of thirty-six persons, to serve as petit jurors at such court; provided always, that it shall and may be lawful for the said city judge, at any time, before either the grand or petit jury shall be drawn, to dispense with the drawing and summoning of either grand or petit jury, or both, for any term of said court, by an order by him to be made and entered in the minutes of the said court for that purpose.

Drawing of jurors, how conducted.

§ 17. The said drawing shall be conducted and the jurors shall be summoned at least four days before the term of the court at which they shall be required to attend, in the manner prescribed by law for other courts of record; and the clerk of the said court shall make the same disposition of the ballots containing the names of the jurors who shall have served, and of those who did not appear, and of those who were discharged, as is provided by law in respect to other courts of record; and the said city court shall have the like power as other courts of record, to impose a fine on any juror for neglecting to attend said court.

New panel, when to be ordered.

§ 18. The said city court may, during the continuance of any term of said court, when it may be deemed necessary, order a new panel of thirty-six jurors, to be drawn to attend such court. Upon such order being entered in the minutes of the court, the said jurors shall be drawn and summoned at least two days before the time at which they shall be required to attend, in the manner herein directed, respecting the first jury drawn. Upon the attendance of such new jurors, the former jurors shall be discharged, and all trials and proceedings had in such courts, shall be had before such new jurors, in the same manner

as the same might have been had before such former jurors.

[§ 19. The petit jurors who shall attend the said city court, shall be entitled to receive, in civil cases, twelve and a half cents each, for each cause in which they shall be sworn as jurors; and the grand and petit jury shall be paid in addition by the county treasurer, the same compensation as is allowed for similar services in the other courts of record in said county of Kings.]* Petit jurors.

§ 20. The district attorney of the county of Kings shall prosecute all indictments which may be found by the grand jury empanneled by the said city court, and all indictments which shall be transmitted to the said city court, in the same manner as if such indictment had been tried in a court of sessions of the county, and shall have the same power in all respects. Duty of district attorney.

§ 21. In case of the absence, inability to attend, or vacancy in the office of said district attorney, the said city court may designate some suitable person to discharge the duties of the said district attorney, in said city court for the time being, who shall receive such compensation therefor, as the board of supervisors of the county of Kings shall fix for that purpose, and which shall be allowed and paid by the said board of supervisors, as other county charges are allowed and paid. Provision in case of his absence, &c.

§ 22. The fees to be allowed and paid to the attorneys and counsellors of the said court, and the costs to be recovered in civil suits and proceedings therein, shall be the same costs and fees as are allowed and recovered for similar services in the supreme court. Fees and costs.

§ 23. The said city judge may constitute a member of Powers of city judge.

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* As amended. Laws of 1850, Chap. 102.

any court of oyer and terminer to be held in and for the county of Kings, and for that purpose shall possess all the powers and authority of a judge of the county court.

Judge's salary.

[§ 24. The said city judge shall be paid by the county treasurer, in quarterly payments, an annual salary of two thousand five hundred dollars.

Clerk's salary.

[§ 25. The clerk of said city court shall be paid by the county treasurer, in quarterly payments, an annual salary, to be fixed and determined by the supervisors of the county of Kings; the whole expenses of said court shall be a county charge, and shall be paid by the supervisors in the same manner as other county charges are now allowed and paid.]*

Powers of judge at chambers.

§ 26. The said city judge shall have all such powers and authority at chambers, touching any suit or proceeding in said city court, as the respective justices of the supreme court from time to time shall be authorized to exercise, touching like suits or proceedings in the supreme court. He may also exercise within the county of Kings, all the powers of a justice of the supreme court at chambers, and perform all such duties, and do all such acts, as might have been done or performed by the laws in force on the twelfth of May, one thousand eight hundred and forty-seven, by the judges of the court of common pleas, or by any one or more of them at chambers, or otherwise, when not holding court, or by any such judge being of the degree of counsellor of the supreme court, and acting as a supreme court commissioner.

Police justice, how elected.

§ 27. There shall be elected in the city of Brooklyn, at the next charter election to be held in said city, and every four years thereafter, a justice of the peace, who shall be

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* As amended. Laws of 1850, Chap. 102.

denominated "the police justice," and shall hold his office for four years, from the first day of May next after his election.

Police justice.

[§ 28. The said police justice shall not have nor exercise any civil jurisdiction, except in suits, actions or proceedings, which may be brought on any of the ordinances, by-laws, or regulations of the city of Brooklyn, or of the board of health of said city, where the penalty shall not exceed the sum of two hundred and fifty dollars; in all of which cases, the said police justice and each of the justices elected under the said act, shall have, possess, and exercise jurisdiction.

Jurisdiction in criminal cases.

[§ 29. Warrants and other process may be issued in criminal cases, by the justices of the peace and the police justice who were or who may hereafter be elected or appointed under and by virtue of said act, and they shall have jurisdiction in criminal cases over all persons arrested or charged with any offence within said county of Kings; and in such cases shall each possess all the jurisdiction, powers and authority of justices of the peace of the county of Kings, and shall have power to hear all complaints and conduct all examinations in criminal cases.

Fees.

[§ 30. Whenever any person shall be arrested, examined, or committed on any criminal charge, and brought before either of said justices or the police justice, and the case be of such nature that the said justices or the police justice has jurisdiction thereof under this amended act, or any other law of this state, he shall charge and receive the same fees for such services, as are allowed by statute to justices of the peace in towns; not for his own use, but for the use of the city of Brooklyn.

Office.

[§ 31. It shall be the duty of the police justice and each of the justices elected under said act, to keep an office in

such place in said city, as the common council of said city shall from time to time designate and provide for that purpose. He shall attend to all complaints of a criminal nature which may be brought before him, at all reasonable hours.

Fees.

[§ 32. Neither the said police justice nor any of the justices elected under the said act, shall be entitled to charge or receive for his own use, any fee or reward whatever, for any service in any case, suit or proceeding, whether civil or criminal, (except such fees as they or either of them may be entitled to under proceedings instituted before them or either of them in cases arising in said city, under article two, title ten, chapter eight of part third of the Revised Statutes;) but they and each of them shall pay over to the officer designated by the common council, once in each month, all such fees and charges (except as aforesaid,) and all fines, fees, and penalties, and money collected or received by them or either of them, under and by virtue of their office; and shall render to the said common council, a monthly account, under oath, of all fees, fines, penalties, and money collected or received by them, or either of them, or which may remain unpaid and uncollected; and

Salary.

in lieu of all fees and perquisites whatever, and in full compensation for all their services as such justices, they shall each be entitled to receive an annual salary of eighteen hundred dollars, papable monthly by the common council.]*

Special sessions.

[§ 33. Either of the said justices or the police justice, shall have power to hold a court of special sessions alone, and shall have jurisdiction also, other than that heretofore given them, to try any person arrested in said county who may be brought before them or either of them, charged with an affray, riot, malicious mischief, or cruelty to any

* As amended. Laws of 1850, Chap. 102; and Laws of 1855, Chap. 514.

animal, committed within said county; and in all cases which are triable in such court of special sessions, the party accused shall not be required to give bail to appear at any other court of criminal jurisdiction, unless the city judge of said city, the county judge of said county, or a justice of the supreme court, shall certify that the charge is one that ought to be tried in some other criminal court; and the said justices, except the police justice, shall have the like jurisdiction in all civil cases as is now exercised by the justices of the peace of the towns in this state, in addition to the power and jurisdiction given them under the said act hereby amended; and no justice of the peace, other than the police justice and the justices elected in the city of Brooklyn, shall have or exercise any civil or criminal jurisdiction in said city.]*

Clerks.

[§ 34. The common council of the city of Brooklyn may nominate and appoint, if they may deem necessary, a clerk for the police justice, and also one clerk for each of the other justices, and may by ordinance or otherwise fix and regulate the duties of such clerk or clerks. The said clerk or clerks shall each be entitled to receive an annual salary of eight hundred and fifty dollars, to be paid monthly by the common council. They may designate a policeman, marshal, or constable to attend upon each of the said courts, and may by ordinance or otherwise fix and define his duties in and about said courts, and allow each of them so designated, such compensation (in lieu of all fees and perquisites whatever,) as they shall deem proper.]†

Salaries.

City to be divided into two districts, and justices to be elected.

§ 35. The common council of the city of Brooklyn are hereby authorized from time to time to divide the said city into two or more districts, for each of which districts shall

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* As amended. Laws of 1850, Chap. 102.

† As amended. Laws of 1850, Chap. 102; and Laws of 1855, Chap. 514.

be elected, by the electors of said city, at the next charter election to be held in said city, and every four years thereafter, a justice of the peace, who shall hold his office for the term of four years, from the first day of May next thereafter, and who shall have the same jurisdiction in said city that justices of towns have by law in respect to the towns for which they have been elected, except as hereinbefore restricted; and they shall be deemed justices of the peace of the county of Kings. They shall also have jurisdiction in all cases arising within said city, under article two, title ten, chapter eight of part third of the Revised Statutes, to the same extent as assistant justices in the city of New York now have.

Civil jurisdiction.

[§ 36. The said justices of the peace exercising civil jurisdiction, shall be entitled to receive the same fees, for the use of the city of Brooklyn, as were allowed for similar services in the late municipal court of the city of Brooklyn, and otherwise shall be subject to the statutory provisions of the state of New York in relation to civil causes before justices of the peace; and appeals from their judgments in such casues, shall be made to the county court of the county of Kings, in the same manner as appeals from justices' courts in towns. Transcripts of judgments rendered by said justices, or either of them, shall be a lien upon real estate, in the same manner as transcripts of judgments of justices of the peace elected in the towns of this state, upon being filed, entered and docketed in the office of the clerk of Kings county, as required by statute; and execution may issue thereon, and be cancelled and discharged in the like manner.]*

Transcripts a lien on real estate.

Provision in case of vacancy.

§ 37. In case the office, either of the city judge, the police justice, or any justice of the peace of said city, shall

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* As amended. Laws of 1850, Chap. 102.

become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment by the common council of said city, until it shall be supplied at the next charter election to be held in said city, when it shall be filled by election for the residue of the unexpired term.

Repeal.

§ 38. All acts and parts of acts which relate to the organization of the municipal court of said city of Brooklyn, the proceedings therein, and the jurisdiction and powers of the justices thereof, are hereby repealed. But all proceedings, either of a civil or criminal nature, which may be pending in said municipal court, or before either of the justices thereof, when this act takes effect, shall be continued before the police justice to be elected by virtue of this act, who shall have jurisdiction thereof, and possess all the powers and jurisdiction which the said municipal court or the justices thereof now have in relation thereto.

Act, when to take effect.

§ 39. This act shall take effect on the first day of May, one thousand eight hundred and forty-nine, except sections one, twenty-seven, and thirty-five, which shall take effect immediately.

Fees of policemen.

[§ No fees shall be allowed or paid to any policeman, marshal, or constable, on the arrest, trial or examination of any person upon a criminal charge, except such fees as shall be certified by the said justices or either of them, before whom such person shall have been tried or examined, to be reasonable and proper; nor unless such justice or justices shall also certify that such arrest was also reasonable and proper; nor until his bill shall have been presented to the judge of the city court of Brooklyn, together with the certificate of the police or other justice as above required, and the same shall have been examined into, signed and certified by the said judge as correct. The said judge shall fix upon one day in each month, on

which he will examine the said bills; and he is hereby authorized to strike out and deduct therefrom, any and all charges which he shall deem improper or incorrect in any respect, and tax and certify the amount which he thinks proper to be paid on said bills; his taxation and certificate shall be final and conclusive, and the common council shall thereupon pay all such bills and fees as are properly chargeable to the city, and the county treasurer shall pay all such as are properly chargeable to the county.]*

[§ Said act is hereby extended to the city of Brooklyn, as incorporated by an act entitled "An Act to incorporate the cities of Brooklyn and Williamsburgh, and the town of Bushwick, into one municipal government, and to incorporate the same," passed April seventeenth, eighteen hundred and fifty-four.]†

AN ACT

IN RELATION TO COURTS IN KINGS COUNTY.

PASSED APRIL 15, 1852.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City judge, police justice, and justices of the peace.

SECTION 1. The city judge, police justice and justices of the peace of the city of Brooklyn, shall be elected at the next general election, preceding the expiration of their respective terms of office, such terms to commence on the first day of May thereafter; that of the city judge, to

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* A new Section. Laws of 1850, Chap. 102, § 19.
† A new Section. Laws of 1855, Chap. 514.

continue for six years, and each of said justices for four years, from such first day of May.

When more than thirty-six petit jurors are necessary.

§ 2. Whenever, in the opinion of the county judge of Kings county, more than thirty-six petit jurors shall be required to attend any court of sessions to be held in and for said county, he may, by an order under his hand, direct such additional number to be drawn as he shall deem necessary, not exceeding thirty-six.

Order for additional number to be served on county clerk.

§ 3. Such order shall be served on the clerk of Kings county, and shall thereupon, at the usual place of drawing, in connection with the officers now designated by law, proceed to draw such additional jurors.

Time and place where they are to be drawn specified.

§ 4. The said county judge shall, in his order for additional jurors, specify the time and place when and where they shall be drawn.

Repeal.

§ 5. All acts and parts of acts inconsistent with this act, are hereby repealed.

§ 6. This act shall take effect immediately.

AN ACT

TO PROVIDE A MORE CERTAIN CANVASS AND ESTIMATE OF VOTES AT EACH ELECTION IN THE CITIES OF NEW YORK AND BROOKLYN.

PASSED APRIL 7, 1857—THREE-FIFTHS BEING PRESENT.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be elected three district canvassers at every general election in the cities of New York and Brooklyn, in each election district therein, concurrently with and in addition to, and in the same manner as inspectors of election are now elected, and under the same regulations and provisions, and vacancies in the office of district canvasser shall be filled; and for the election in said cities next ensuing the passage of this act, the common councils of the said cities shall by joint resolution, before the third Tuesday in October next, appoint in each election district the said three district canvassers.

§ 2. It is hereby made the duty of each district canvasser so elected or appointed, to attend at least thirty minutes before the closing of the poll in each election district, at the place of holding the poll, and for the district for which he has been elected or appointed, and the three district canvassers, or if only two attend, then the said

two attending shall with one of the inspectors, to be by them designated, then organize themselves as a board for the purpose of canvassing and estimating the votes, and shall choose one of their number as chairman, but shall have no clerk.

§ 3. If only one canvasser present himself at the closing of the poll, he shall, in connection with the inspectors of election, immediately fill the vacancies by choosing two competent persons who are citizens, and who shall be sworn by the chairman of the board that they are such citizens, and that they will faithfully canvass, estimate and state the result of the votes.

§ 4. If none of the duly appointed canvassers shall present themselves at the closing of the poll, then it shall be the duty of the inspectors of election to appoint three competent persons who are citizens, and who shall be sworn by the chairman of the board of inspectors as herein above provided. When the board of district canvassers at the closing of the polls shall be organized as aforesaid, the board of inspectors conducting the election, shall deliver the ballot boxes and the poll lists to the said board of district canvassers, and the board of inspectors shall thereupon be dissolved. The board of district canvassers shall then immediately without any adjournment or recess, and at the place of the poll, publicly proceed to canvass and estimate the votes, in the manner and with the powers and duties now prescribed for and enjoined upon the inspectors of election. All the provisions of law now* inspectors, shall be made applicable to the powers, acts and duties of the said district canvassers; and all other persons are prohibited from engaging in and assisting in the canvass and estimate of votes as aforesaid, except the poll clerks of each district, whose it shall be to afford and render services as clerks as the district canvassers shall re-

* So in the original.

quire. All persons, inspectors and district canvassers offending against this last provision shall be deemed guilty of a misdemeanor.

§ 5. The required statement and copy thereof of the result of the canvass, shall be made and subscribed in public without adjournment or recess, at the place of election and canvass; and when they are so completed, ready for filing and delivery, shall be then and there forthwith enclosed in strong wrapper and properly sealed and countersigned across the seal by the signature of each district canvasser, and the same shall thereupon be kept sealed and shall not be opened until the same are produced before the board of ward, city or county canvassers, when they shall be open for the canvassing of the returns. Whenever any inspector of election of either board of inspectors, or any poll clerk, shall be a candidate for any office whatever, except for inspector or canvasser of election, at any election, his office as inspector or as poll clerk shall immediately become vacant, unless he shall publicly have refused, within three days before the day of election, to be a candidate.

§ 6. The clerks of the board of aldermen in said cities, shall between the third Tuesday of October, in each year, and the Tuesday preceding the election, notify every inspector and district canvasser to attend on any day before the day of holding the election, at the office of the county clerk, to take and subscribe the oath prescribed by the constitution. It shall be the duty of said clerks of the county to provide each election poll in the said cities with proper paper, blanks, stationery, sealing-wax and lights at the expense of the county, for the use of the inspectors and district canvassers.

§ 7. The compensation of each inspector of election and of each district canvasser, shall be five dollars to each for

his services at the election, which compensation shall be paid by the comptroller of the said cities, on the voucher for the service. But no payment shall be made to any inspector or district canvasser who shall not have taken and subscribed the oath or affirmation referred to in the preceding section.

§ 8. The acting of any inspector or district canvasser elected or appointed before the day of election, without his having taken or subscribed the oath or affirmation referred to aforesaid, shall be deemed to be and punished as a misdemeanor.

§ 9. It shall be the duty of the said board of district canvassers to fully complete the estimate of the votes in each box in the order prescribed by law, and to make proclamation of the result, and to complete the returns and certificates of the votes of the said box, in the manner prescribed by this act, before proceeding to the estimate and canvass of the box or boxes to be next thereafter canvassed.

§ 10. The names of inspectors of election and of district canvassers voted for at any election, shall be upon one ballot. The names of the persons to be voted for inspectors shall follow the proper designation of the office of inspectors to be filled; and next thereafter shall follow the names of the persons to be voted for district canvassers, and the said ballot shall be endorsed inspectors of election and district canvassers, with the designation of the proper election district added.

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ORDINANCES

OF THE

CITY OF BROOKLYN.

ORDINANCES.

CHAPTER I.

AN ORDINANCE IN RELATION TO CITY OFFICERS, AND TO LIMIT AND DEFINE THE DUTIES OF CERTAIN OF THEM UNDER THE CHARTER OF THE CITY, AND TO PRESCRIBE OTHER AND FURTHER DUTIES TO BE PERFORMED BY THEM.

The Common Council of the City of Brooklyn do ordain as follows:

ARTICLE I.

IN RELATION TO CITY OFFICERS GENERALLY.

Penalties of official bonds.

SECTION 1. The penalties of the official bonds of the officers herein named, shall be respectively as follows:

That of the city treasurer, one hundred and fifty thousand dollars.

That of the comptroller, ten thousand dollars.

That of the collector of taxes and assessments, one hundred and sixty thousand dollars.

That of the auditor, five thousand dollars.

That of the street commissioner, ten thousand dollars.

That of the city clerk, ten thousand dollars.

That of the attorney and counsellor, ten thousand dollars.

That of the commissioner of repairs and supplies, ten thousand dollars.

That of the chief of police, five thousand dollars.
That of the clerk of markets, one thousand dollars.
That of a constable, five hundred dollars.
That of a city surveyor, one thousand dollars.
That of inspector of pavements, one thousand dollars.
That of inspectors of meats, five hundred dollars.

And such officers, except the collector and treasurer, who shall have twenty days to do so, shall execute such bonds respectively within ten days after notice of their election or appointment, or their office shall be declared vacant by the common council.

Condition thereof and sureties.

§ 2. The bonds of all officers shall be executed with two or more sureties, conditioned as provided in the city charter. Such sureties shall justify separately, on the back of the bond, that they are respectively worth the sums to be stated in their respective justifications, over and above all debts and liabilities by them owing or incurred, or for which their property is liable or incumbered, at the time of justification, and over and above all exemptions by law of their property from execution. The sums stated in such justifications on the bond of any officer, shall, in the aggregate, amount to double the penalty of such bond. The execution of such bond shall be acknowledged by the officer and his sureties before some person authorized to take the acknowledgment of deeds, and a certificate of such acknowledgment made thereon.

The clerk of the common council shall also endorse and certify on each bond, before the same shall be filed, the resolution of the common council approving the same, and the time of such approval.

Fees to be paid into city treasury.

§ 3. No fees or perquisites shall be received to his own use by any city officer, or the officer of any ward or district receiving a salary, or by any person in his office acting as deputy or clerk, or in any other capacity subordinate to such officer, nor shall any city officer or ward

officer be interested in any fees or compensation for services, rendered in or about any city office, by any other person or persons whomsoever, and all fees received by any such officer shall be paid into the city treasury.

But nothing herein contained shall be construed to prevent the taking of compensation by clerks or other subordinates, for searches or other services out of office hours, provided the officer or his deputy be not interested in such compensation, and shall assent thereto.

Records open to public inspection.

§ 4. The records, books, files, papers and documents of the city shall, during office hours, be open to the search, inspection, and examination of the public, provided, however, that if in any case the officer having charge of the same shall deem it conducive to the public interest, he may require the applicant to procure the written permission of the mayor, who may refuse to give such permission if he deem proper, unless such search, inspection and examination, be for the purpose of obtaining information for the prosecution or defence at law of some right, or for the purpose of ascertaining taxes or assessments, or sales for taxes and assessments, and provided that such search, inspection and examination, be made under such regulations as the officer in whose custody such records, books and documents may be, shall establish for the safety and preservation thereof.

Officers liable for misconduct of deputies and clerks.

§ 5. Any officer violating any provision of this ordinance, shall be deemed guilty of misconduct in office, and liable to impeachment and removal from office therefor. Such officer shall be liable for any violation of any provision of this ordinance, by any deputy, assistant, clerk, or other subordinate appointed by him; and continuance in office by such officer, of any such deputy, assistant clerk, or other subordinate, after knowledge of any such violation, shall be deemed misconduct in office by such officer, and he shall be liable to impeachment and removal

from office therefor; and such deputy or assistant shall not be renominated for appointment, and such clerk or other subordinate shall not be reappointed, unless the cause of his removal be first submitted to the common council, and its assent obtained to such reappointment.

Record of permits to be kept.

§ 6. All licenses or permits granted by the mayor, or any other city officer, or abstracts thereof, shall be registered in books to be kept in their respective offices.

Office hours.

§ 7. The offices of the respective city officers, except as hereinafter mentioned, shall be open every day except Sundays, and such holidays as shall be observed by the general custom of the city, or by recommendation of public authority, from 9 o'clock in the forenoon to 5 o'clock in the afternoon. The office of the mayor shall be open at such hours as he shall prescribe. The office of collector of taxes and assessments shall be open from 8 o'clock in the forenoon to 5 o'clock in the afternoon, for all business except the receipt of money, which will not be received therein after two o'clock in the afternoon. The office of the treasurer shall be open during banking hours of the city deposit banks.

Procurement to office.

§ 8. No city officer shall receive, in money or otherwise, any pay, gift, commissions or reward for the appointment, or for procuring the appointment or nomination for appointment, of any deputy clerk or other subordinate under him, or in his department or office, or under any other city officer, or in any other department or office of the city government.

Officers not to be interested in contracts.

§ 9. No city officer shall be interested in any contract with the city, or in any compensation for work done for, or materials, or supplies furnished to the city, or to any contractor, or other person furnishing the same to the city, nor shall he participate in any profits with such contractor or other person, or receive any compensation, com-

mission, gift, or other reward for his services, except the salary or fees established by law, or by the ordinance or resolutions of the common council.

Subordinate to the mayor.

§ 10. All city officers shall perform the duties of their office subordinate to the mayor, who shall have power to direct them in relation to such duties, and also in all particulars contemplated by law, or the ordinances or resolutions of the common council, but not regulated thereby; and it shall be the duty of such officers to obey such directions.

Annual reports from departments.

§ 11. The administrative officers of the city, and all others, if required by the mayor, shall annually, on the first day of December, and from time to time, when required by the mayor, report to him in writing the condition of their respective offices, and of the business and all matters therein, touching the interests of the city, and what business has been finished, and what remains unfinished, of the last year.

Estimates for contracts.

§ 12. All officers advertising for proposals or estimates for contracts shall require such proposals or estimates to be accompanied by the consent in writing of two sureties, who shall at the time of putting in such estimates or proposals, qualify as to their responsibility in the amount of such proposal or estimate, and bind themselves that if the contract be awarded to the person or persons making the estimate or proposal will, upon its being so awarded, become bound as his or their sureties for its faithful performance, and that if the person or persons to whom such contract shall be awarded, or his or their sureties shall omit or refuse to execute such contract, they will pay to the city of Brooklyn any difference between the sums to which he or they would have been entitled upon the completion of the contract, and that which the city of Brook-

lyn may be obliged to pay to the next highest bidder, by whom such contract shall be executed.

ARTICLE II.

THE MAYOR.

Mayor to grant licenses.

SECTION 1. The mayor shall grant licenses for the purposes authorized by sub-divisions 4 and 5 of section 13 of title II. of the city charter, to expire on the first of May thereafter, to such residents of the city of the age of twenty-one years, duly qualified according to the ordinances of the common council, as he may deem proper, unless the common council shall otherwise designate; and may revoke the same at pleasure.

To supervise all city officers.

§ 2. The mayor shall supervise the conduct and acts of all city officers, and in case of a violation or neglect of duty or other misconduct of any officer, he shall transmit to the common council information thereof, with such facts and particulars as to enable specifications of the charge to be made against such officer, under section 31 of title III. of the city charter: and for the performance of his duty in this respect and otherwise, he shall at all times have full power to examine all books and papers in the possession or custody of such officers, and to examine any deputy clerk or other subordinate.

To determine repairs and supplies in certain cases.

§ 3. He shall, whenever any work shall be requisite, either for construction or repairs for general or local purposes, or any supplies shall be required, which work, repairs or supplies may be done or furnished by any city officer without the special order of the common council, examine, upon a requisition to be made by such officer, stating the object and amount, into the necessity of the same, and before such work shall be done or such supplies furnished, or any liability therefor incurred by the city,

he shall signify his approval of such requisition; except for repairs of lamps and lamp-posts and of wells and pumps.

ARTICLE III.

THE STREET COMMISSIONER.

Street commissioner to supervise street and local improvements, except in certain cases.

SECTION 1. The street commissioner shall have supervision over all the streets, avenues, squares, wharves and piers and public places, wells and pumps, and cisterns of the city, and of all works thereon done by order of the common council, except for repairs, and over all contracts for grading and paving streets, for constructing wells and pumps and public cisterns, and for all other improvements for which assessments are to be laid, and such contracts shall be executed by him on behalf of the city, and when so executed shall be filed in his office.

To publish certain notices.

§ 2. He shall publish all notices required by law to be published by the common council, relative to local improvements and assessments not devolved upon any other officer.

To furnish warrants to the collector, and other duties.

§ 3. He shall furnish to the collector of taxes and assessments fair copies of all assessment rolls, with proper warrants for the collection of the assessments, within ten days after the same shall be confirmed; and at the same time cause a notice to be published that such rolls have been confirmed, and have been delivered to the collector for the collection of the assessments therein, and of the time within which they may be paid, without additional charge. He shall also, at the same time, furnish the auditor and comptroller abstracts of all assessments and awards.

In street openings, to publish notices.

§ 4. He shall, in the matter of opening streets, avenues and squares, publish the notice required by law for

remonstrances against the same, and of the district to be assessed, and cause the necessary maps to be made for the use of the commissioners, and after the confirmation of the commissioners' report in any such matter, he shall deliver a copy thereof, with a warrant for collection of the assessments therein, to the collector, within ten days after such confirmation; and shall publish a notice of such confirmation, and of delivery of such warrant to the collector, and of the time within which such assessments can be paid, without additional charge.

His duties in regard to lands abandoned.

§ 5. He shall, whenever any lands shall have been abandoned in the opening of any street, avenue or square, and the amount fixed by the commissioners as their value shall have been paid or tendered to the owner, offer said lands to the owner or owners of the lands next adjacent thereto at the price or value fixed upon the same by the commissioners, and if the said owners shall neglect to take the same within ten days after the delivery of the notice containing such offer, he shall advertise the same for at least five days in the corporation newspaper or newspapers, for sale at auction at the street commissioner's office, and the same shall, at the time stated in such advertisement, be sold to the highest bidder, and the net proceeds thereof shall be paid by him into the city treasury to the credit of the improvement. If the adjacent owner or owners before mentioned shall neglect to take the lands so abandoned at the valuation of the commissioners, or if the said lands be sold to other parties, the street commissioner shall cause proper deeds or conveyances for the same to be prepared and properly executed, and delivered to the owners or other purchasers, as the case may be, and the amount received for the same shall be paid into the treasury to the credit of the improvement.

Deeds for such lands.

The mayor and city clerk are hereby authorized and directed to execute such deeds or conveyances under the corporate seal of the city.

His duties in relation to buildings taken.

§ 6. He shall, whenever any building shall be taken in any proceedings for opening streets, avenues or squares, advertise the same for five days, at least, in the corporation newspapers, for sale at public auction at his office, and the same shall, at the time fixed in such advertisement, be sold by him to the highest bidder, and the net proceeds thereof shall be paid into the treasury in like manner as in the case of lands abandoned.

To furnish assessors with items of expense and forms and maps.

§ 7. He shall make up and furnish the assessors the items of expense, and all matters of assessments, except in opening streets, avenues and squares, together with a copy of the resolution authorizing the assessment, and a book, (and if necessary a map,) in proper form for having such assessments made therein.

To advertise for estimates.

§ 8. He shall advertise and receive estimates for all work to be done for which assessments are to be laid, and such estimates shall be delivered by him to the committee of the common council having charge of the subject matter of such assessments, and opened in his presence, or to the common council, as the common council shall from time to time direct. If delivered to a committee, such estimate shall be opened in his presence by them.

To publish notices for flagging sidewalks and filling up lots, &c.

§ 9. He shall, whenever the common council shall intend to pass any ordinance for flagging sidewalks, fencing, digging down, filling up or walling lots, publish a notice of such intention, or, if the common council shall so direct, cause such notice to be personally served, as the common council shall direct, and he shall cause proof of such publication or personal service to be made and filed in his office before the passage of any such ordinance. He shall prepare such ordinances and superintend all the proceedings in relation thereto.

To report delinquent contractors.

§ 10. He shall promptly report all delinquent contractors to the common council, and also all contractors who

shall refuse or neglect to perform any part of their contracts, or shall neglect or refuse to execute any contract which may be awarded to them.

To remove obstructions from the street.

§ 11. He shall have power to remove or cause to be removed any obstructions or incumbrances from all the streets, lanes, alleys, roads, wharves and public places in the city. He shall report the person causing any such obstruction or incumbrance to the attorney and counsellor for prosecution, and the expense of such removal shall be paid out of penalties in the treasury, except for violations of the health ordinance, and the financial officers of the city are authorized to audit and pay the same, and to draw warrants therefor.

To grant permits to builders to occupy streets.

§ 12. He shall have power to grant permits to builders and others to occupy, not to exceed one-third of the width of the carriage-way of any street or avenue with building materials, provided, in his opinion, the public interest and convenience will not suffer thereby. All such permits shall provide expressly that they are given upon condition that the sidewalks and gutters shall at all times be kept clear and unobstructed, and that all dirt and rubbish shall be promptly removed, from time to time, by the party obtaining such permit, and all such permits may be revoked by him at pleasure.

To grant permits for vaults, cisterns, &c.

§ 13. He shall have power to grant permits to excavate in any street or avenue, to an extent not exceeding the width of the sidewalk for the purpose of constructing vaults, cesspools, ovens or cisterns, the party applying for such permit to pay to the street commissioner for the use of the city ten cents per superficial foot for every foot so occupied. In case any party shall construct a cistern of the capacity of one hundred hogsheads and upwards, under the sidewalk of any street or avenue, and shall consent that the same may be used in case of fire, and shall cover

the same as the public cisterns are covered, so that the firemen can obtain free access to the water, the street commissioner is hereby authorized in such cases to grant a free permit for such cisterns. All permits to excavate for any of the above purposes, shall provide that the person or persons obtaining the same, shall at all times properly protect said excavations, as the street commissioner shall direct, so as to prevent accident, and also that the same shall be covered up and completed within the time to be named in such permit; and the parties obtaining such permit shall execute a bond with sureties to indemnify the city of Brooklyn against any damage it may sustain, or for which it may be made liable as incident to, or in consequence of, such excavation.

Clause in contracts for grading or paving streets

§ 14. He shall insert in all contracts for grading or paving any street or avenue, and all such contracts shall contain a provision, that if the contractor or any other person shall bring or cause to be brought on said street or avenue any materials which do not strictly conform to the contract or city ordinances, the street commissioner shall, on behalf of the city, have the right to order the same to be removed forthwith from off such street or avenue, and in case of the neglect or refusal of the contractor, or those employed by him, to remove such materials, to cause the same to be removed at the expense of the contractor, and to deduct the costs of such removal, and all other expenses thereon, from the amount of the contract. In case of the violation of any such provision, he shall proceed as hereby authorized.

Penalty to be inserted in contracts.

§ 15. He shall insert in all contracts for improvements payable by local assessment, and such contracts shall contain a provision that the penalty for each day's neglect to complete the work according to the contract, beyond the time fixed therein, shall be five dollars, where the gross amount to be paid the contractor shall be less than five

thousand dollars, and five dollars per day additional for every five thousand dollars beyond that sum, to be specified in the contract. He shall in all cases insist on the deduction of such penalties, unless the same be previously remitted according to section 26, of title II., of the city charter.

Right to certificates of indebtedness to be inserted in contracts.

§ 16. He shall insert in all contracts for improvements payable by local assessment, and such contract shall contain a provision, that on the final completion of the work according to contract, and the auditing of his claim, the contractor shall be entitled to one or more certificates, for the amount due him on his contract, after deducting therefrom the amount of all penalties incurred by and charged against him, payable when the assessments shall be collected, with interest thereon, from the date of such certificates, if such date be after the expiration of one hundred and twenty days from the delivery of the assessment roll to the collector, or if such time have expired, then to be computed from the expiration of such time.

To cause maps to be made.

§ 17. He shall, under the direction of the common council, cause all necessary maps and profiles of streets, avenues and squares to be made, and the same shall be filed in his office, together with all original assessments, rolls or lists and reports of commissioners of estimate and assessment. He shall keep the record of all certificates of sale made by him for unpaid assessments, with proper indexes, and open during ordinary business hours, for the examination of any parties interested therein. All maps, profiles, and assessment lists, shall also be kept open during business hours for examination by parties interested therein.

To record assignments of certificates of sales.

§ 18. He shall record in a proper book all assignments or transfers of certificates of sale, made by him for unpaid assessments, and he shall charge and receive the

same fees for recording such certificates of sale and assignments thereof, as are by law charged and received for similar services by the register of the county of Kings.

To certify to the auditor.

§ 19. He shall certify to the auditor, in all cases of local improvements, before any claim therefor shall be paid, or certificate of indebtedness issued, the amount due thereon, but he shall give no such certificate unless he first deduct all penalties and forfeitures under any contract, under which such claim shall be made.

To keep reports of commissioners for opening streets.

§ 20. He shall take charge of and keep all reports of commissioners for opening streets, and all assessment rolls for other local improvements, and shall take charge of, safely keep and file in a convenient manner, all petitions, remonstrances, reports, certificates, orders, proofs, and papers connected with the proceedings in relation to such improvements, and necessary to show the regularity of such proceedings; and it shall be the duty of the city officers, who shall have any such reports, assessment rolls, petitions, and other papers before named in their possession, to deliver the same to the street commissioner, as soon as they shall have performed any requirement of them by law in relation thereto. He shall, in each matter of assessment, file together the papers relating thereto, making up a continuous record of the proceedings as far as may be.

ARTICLE IV.

THE COMMISSIONER OF REPAIRS AND SUPPLIES.

Commissioner of repairs and supplies, his powers

SECTION 1. The commissioner of repairs and supplies shall have charge of all repairs and supplies of and for the public buildings, station houses and bell towers, wharves and piers belonging to the city, and of and for the pavements, sidewalks, crosswalks, public cisterns, fire engines, and other property pertaining to the fire department,

lamps and lamp posts, oil and gas, fuel and stationery for the public offices of the city, and of the construction of public buildings, station houses, fire engines, hose carts, hook and ladders, hose, and other property for the fire department; and shall superintend the delivery and preservation of all supplies of fuel, stationery, blanks and furniture for the public rooms and offices of the city, its courts and police stations; and, under the direction of the aldermen of the wards, superintend the repairs of wells and pumps therein respectively.

To appoint a foreman of repairs.

§ 2. He shall appoint, by and with the consent of the common council, a deputy and also a foreman of repairs and supplies, who shall superintend in person all repairs on streets, the men employed and the materials which shall be used for each particular subject of repair, and furnish daily an account thereof to the commissioner.

Repairs to be done by order of common council or mayor.

§ 3. He shall cause all repairs to be done, when ordered by the common council or the mayor, provided the cost thereof for any one object, when ordered by the mayor, shall not exceed the cost authorized in this article to be expended for the same object by him with consent of the mayor.

To examine into the necessity of repairs.

§ 4. He or his deputy shall, previous to any of the repairs or constructions mentioned in the first section of this article being done, except repairs of wells and pumps, personally examine into their necessity and extent, and, except for repairs of lamps and lamp posts, report thereon in writing to the common council or to the mayor as hereafter provided, unless such work shall have been previously ordered by the common council or mayor, and he shall await and conform to their order respectively on such report.

To make repairs of streets by direction of aldermen.

§ 5. He shall, whenever requested in writing by the aldermen of any ward to make immediate repairs of streets or other objects in their ward, not exceeding an expense

of fifty dollars for any one object, report as aforesaid to the mayor, and, with his consent in writing to accompany such request and report, cause the same to be done.

To make other repairs thereon by consent of the mayor.

§ 6. He shall, whenever any necessity shall exist for repairs of streets, the expense of which repairs will not exceed twenty-five dollars, report as aforesaid to the mayor, and, with his consent in writing to accompany the said report, cause the same to be done.

To repair wells and pumps by direction of aldermen.

§ 7. He shall, whenever requested in writing by the aldermen of any ward in which the same is situated, to repair a well and pump, cause such repairs to be done.

And of fire engines by consent of the mayor.

§ 8. He shall, whenever requested in writing by the chief engineer of the fire department, to make repairs of any fire engine, hose cart, hooks and ladders, hose, or other machines or apparatus, for the use of the fire department, or of any public cistern, the expense of which repairs will not exceed twenty-five dollars, report to the mayor, and with his consent in writing to accompany said report, cause the same to be done.

And of lamps and lamp posts—to fill public cisterns.

§ 9. He shall, whenever any necessity shall exist for repairs of any lamps or lamp posts, or for filling public cisterns, cause the same to be done.

To report to the common council in other cases.

§ 10. He shall in all cases of repairs necessary to be done, and not in this article otherwise provided for, and in all cases of construction, report to the common council and await its action on such report, on or before the first day of February, 1857, and in that and every year thereafter.

To advertise for supplies.

§ 11. He shall, in the month of November, make up schedules of articles of supply required for the ensuing year by the city, enumerating the different articles, and stating the quantity, quality and time and place of delivery

of each article, and after submitting the same to the mayor, and obtaining his consent, advertise the same in the corporation newspapers for one month, inviting proposals to furnish the articles so enumerated or any of them, with the right of the common council to reject any and all bids, which proposals shall be delivered to the city clerk unopened, and be by him opened in the common council at its next regular meeting.

To have contracts made therefor.

§ 12. He shall cause contracts to be made out in writing and executed by the bidders, whose proposals shall be accepted and their surety or sureties respectively on the one part, and by the comptroller on behalf of the city on the other part, and after copying the same in a book to be provided for that purpose and kept in his office, file the originals retained by the city in the comptroller's office.

To superintend the receipt and distribution of supplies.

§ 13. He shall superintend the receipt and distribution of such supplies, and to enable him the better to prepare the schedules in this article before mentioned, he may require from every city officer who need any supplies for his office or department, an estimate of the same; and it is hereby made the duty of every such officer to prepare the same.

To furnish supplies to the offices.

§ 14. He shall deliver to the heads of departments, justices of the peace and police justices, upon their written order, such and so much of said articles as they shall require from time to time, for the use of their offices or departments; but no articles not enumerated in such schedule and furnished by contract, shall be purchased or supplied without the consent of the mayor if they do not exceed twenty-five dollars in value, or without the order of the common council if they exceed that sum in value

When to purchase non-enumerated articles.

Such non-enumerated articles he shall buy in open market at the lowest current prices, and the bill thereof, with such

consent, shall be delivered to the auditor and filed with the comptroller before payment.

To furnish vouchers to the auditor for repairs.

§ 15. He shall, whenever any repairs shall be made by him, deliver to the auditor a statement in writing, to be signed by him, of the cost thereof, and also the request, report and consent, or such of them as by this article are required, or, if ordered by the common council, a copy of their resolution, certified by their clerk, to be filed with the comptroller before payment, and for this purpose he shall cause a correct account to be kept of the work done and materials furnished in each case.

And certify to him in cases of supplies.

§ 16. He shall, whenever any supplies shall be furnished, and the contractor or seller of the same shall be entitled to his pay therefor, certify in writing to the auditor, that the same have been furnished according to contract or sale, such certificate to be filed with the comptroller before payment.

To keep books of account.

§ 17. He shall enter in suitable books, to be kept in his office, an account of all the expenditures of his department, and of each separate branch for which distinct appropriations shall be made, and he shall in no case incur any expense for any object for which an appropriation shall not have been made. In case of failure of appropriation, he shall communicate to the comptroller such information as may enable that officer to report to the common council, as required by this ordinance.

To superintend and pay lamp-lighters.

§ 18. He shall keep a list of all the lamp-lighters in the city; and of the districts, number of lamps in charge of, and quantity of oil or fluid delivered to each; he shall in case of the neglect of any lamp-lighter to clean, trim, or light the lamps within his district, report such delinquent to the mayor; and he shall render to the auditor a monthly statement of the amount due to the lamp-lighters severally, to be filed with the comptroller, and shall receive

the amount from the comptroller, and pay to the lamp-lighters their respective amounts, and take their receipts therefor, and immediately thereafter deposit the same in the comptroller's office.

To inspect all articles furnished by contract.

§ 19. He shall require all supplies of oil and other articles furnished by contract, to be delivered to him personally or in his presence, and it shall be his duty personally to superintend such delivery, and not to furnish oil or other burning fluid to the lamp-lighters or any other article to any officer or department, or to use the same for repairs or supplies without first inspecting the same himself, to see that it conform to the conditions of purchase. He shall endorse on each contract, or enter in a book to be kept for the purpose, the time and quantity of each article supplied by contract.

To keep an account of the cost of each subject of repairs.

§ 20. He shall keep an account of the names and time of all men employed by him, and of the work upon which they shall be engaged, and of the materials provided or used for repairs, so as to show the exact cost of each sub. ject or occasion of repairs.

Expenses, how paid.

§ 21. The financial officers of the city are hereby authorized to audit and pay the bills for repairs and supplies to be made and furnished according to the provisions of this article, and also the monthly bills of lamp-lighters, and to draw the necessary warrants therefor.

ARTICLE V.

THE AUDITOR.

Auditor, his duties.

SECTION 1. It shall be the duty of the auditor to audit all bills or claims presented against the city, before payment thereof; but no bill or claim shall be audited or paid unless the same be first presented to the common council,

and by it referred to the auditor; or unless it be for a local improvement, payable from the proceeds of local assessments, or for an object specially provided by ordinance, to be done by some other department of the city government, and to be audited and paid for; or unless it be for cleaning streets or for repairs of wells and pumps, when not made by the commissioner of repairs and supplies.

To enter all bills in a book.

§ 2. He shall enter all bills or claims sent to him in appropriate books in the order presented—such entry showing the date and items of each claim, when and by whom rendered, the amount claimed and the amount allowed, and the account to which it shall be chargeable.

Bills when certified, how disposed of.

Rejected bills, how disposed of.

§ 3. He shall examine all bills or claims, and the items of each; and after certifying such bills or claims, he shall deliver such of them as may have been referred to him by the common council to the finance committee, and all others to the comptroller. He shall send all bills or claims rejected by him to the common council, or to the department from which they shall have come, or for repairing wells and pumps when not done by the commissioner of repairs and supplies, or for cleaning streets, to the aldermen of the ward, with a statement accompanying each of them, of the grounds upon which he shall have rejected them. He may, if he deem proper, send to the common council such rejected bills as may have come from the departments.

No bill to be passed for payment out of the general fund, unless authorized by resolution or ordinance.

§ 4. He shall certify no bill or claim payable out of the general fund unless the expenditure shall have been authorized by a resolution of the common council, or by ordinance; nor in any case authorized by ordinance without the certificate of the heads of the department directed by such ordinance to make such expenditure, and such other vouchers as such ordinance may prescribe.

Or out of the special fund, without certain certificates.

§ 5. He shall certify no bill or claim payable out of the special fund unless upon the certificate of the street commissioner and counsellor in all matters of opening streets, parks or squares, and upon the certificate of the street commissioner and a city surveyor in all improvements, where the services of a city surveyor are employed, except opening of streets and squares as aforesaid, and upon the certificate of the street commissioner in all other cases certifying that the claimant, in matters of opening streets and squares, is entitled to the amount, without deduction for any assessment, mortgage, judgment or other incumbrance, and that the claimant in other matters has fully and faithfully performed his contract, or furnished the materials, and is entitled to the amount, and that all penalties or forfeitures for neglect or non-performance of the contract have been deducted.

Or out of the ward funds, without certificate of the aldermen.

§ 6. He shall certify no bill for repairing wells and pumps, when such repairs shall not have been done by the commissioner of repairs and supplies, or for cleaning streets, unless upon the certificate of the aldermen of the ward of the amount due, and that the contract has been fully and faithfully performed, and all penalties deducted.

Auditor to inquire into the legality and justice of all bills.

§ 7. Nothing in the last three sections contained shall authorize the auditor to audit any bill or claim not incurred under due authority of law, or for work or services which shall not have been rendered, or for materials or supplies which shall not have been furnished, or to audit any charges which shall not be just and reasonable or according to contract; but he shall reject all such bills, claims or charges, any resolution or ordinance of the common council, or certificates to the contrary, notwithstanding.

Power to call for information from all other city officers.

§ 8. He shall have power to require from the different city officers all the information which they may possess, and to exhibit to him all books, contracts, resolutions and

other papers and documents in their respective departments, or in their possession, requisite in his opinion to discharge his duties; and it is hereby made the duty of all the city officers to furnish and exhibit the same, when so required by him.

ARTICLE VI.

THE COPMTROLLER.

The comptroller, his duties.

SECTION 1. It shall be the duty of the comptroller to keep the accounts of the general, special and sinking funds in such a manner as to exhibit at all times the true condition of said funds, and of each account and appropriation thereof respectively.

To draw warrants for bills audited and passed by finance committee.

§ 2. He shall draw warrants for all bills, except for local improvements, and in cases otherwise specially provided for by ordinance, when such bills shall be duly audited and passed for payment by the finance committee of the common council, but no such warrants shall be drawn unless the sum specified therein be embraced in an appropriation previously made for the purpose by the common council. He shall insert in such warrant a distinct reference to the ordinance or resolution making the appropriation.

To report to common council when appropriations exhausted.

§ 3. He shall report forthwith to the common council every case in which an appropriation shall be exhausted, the object of which shall not be completed, and accompany such report with a statement of the moneys which have been drawn on such appropriation, the particular purposes for which they were drawn, the cause of the deficiency, and an estimate of the amount which will be necessary to complete the object of the appropriation.

To draw warrants for awards in local improvements and for cleaning streets, &c.

§ 4. He shall draw warrants to pay awards and expenses, in the matter of opening streets, avenues and squares, when they shall be audited, and the assessments for the purpose shall be collected, and in the treasury, in favor of the persons entitled to such awards and expenses, unless there be assessments in the same matter against such persons entitled to awards, and then for the balance of award over such assessments, upon receiving an affidavit from such persons that they, if claiming as owners, were, at the time of the confirmation of the commissioner's report, the owner or owners of the property taken, and that there were no mortgages or liens against such property, or judgment affecting the same, to the best of their knowledge or belief, except as stated in said report; or if claiming as mortgagees or judgment creditors, or lien holders otherwise, that their mortgages, judgments or liens were, at the time of the said confirmation, liens for the amount claimed on the land taken, and remain unpaid for such amount. He shall draw warrants for all bills and expenses for other local improvements when audited, and when the assessments shall be collected and in the treasury, in favor of the persons entitled to receive the same. He shall also draw warrants for all bills for cleaning streets, and for repairing wells and pumps when audited, if there be money in the treasury appropriated therefor, in favor of the person entitled thereto.

To have charge of the real estate of the city, its deeds, and evidences of indebtedness.

§ 5. He shall take charge of all the real estate of the corporation held in its own right, and report all encroachments thereon to the common council, and take charge of and preserve all deeds, leases, and evidences of indebtedness to the corporation.

To examine and settle all accounts due the city.

§ 6. He shall examine, adjust and settle the accounts of all persons indebted to the corporation for any purpose, furnish bills and superintend the collection of rents, and in all cases when he shall deem it necessary or proper,

after consultation and with the approbation of the mayor and finance committee, direct such legal proceedings as may be necessary to secure the payment of such rents or debts, or to obtain possession of any premises belonging to the corporation.

To supervise fiscal officers, and direct the manner of making returns

§ 7. He shall supervise the fiscal concerns of all officers of the corporation, who may receive or disburse the public funds of the city, or who may be charged with the management or custody thereof, and prescribe the manner of making returns or statements of the amount of moneys disbursed or received by them or either of them.

To report defaulters.

§ 8. He shall report to the common council, immediately upon its discovery, any default or delinquency by any officer of the corporation in respect to the matter mentioned in the last section, or otherwise affecting the finances of the city.

To issue certificates of indebtedness to contractors.

§ 9. He shall issue certificates of indebtedness to contractors, pursuant to sec. 13, title X. of the city charter, when the amount thereof shall be audited. Such certificates shall be signed by the mayor and clerk.

ARTICLE VII.

THE COLLECTOR OF TAXES AND ASSESSMENTS.

The collector to furnish a memorandum of unpaid taxes and assessments, sales, with tax bills.

SECTION 1. The collector of taxes and assessments shall annually, before the annual tax rolls shall be delivered to him, prepare a list of all taxes and assessments remaining unpaid at the time of such delivery, and of all sales for the preceding year for unpaid taxes and assessments. He shall, before collecting the annual taxes, note against such property in red ink, or otherwise upon such tax rolls so as not to interfere with the original entries on such tax rolls, a minute of any such unpaid taxes or assess-

ments upon, or sales for unpaid taxes or assessments of such property. He shall, at the time of delivering any bill for taxes, note upon such bill any such tax or assessment remaining unpaid upon the property mentioned therein, and also any sale of such property for any unpaid tax or assessments.

To have charge of ward maps.

§ 2. He shall have charge of the ward maps, and shall keep them in his office, accessible to the assessors and the public.

To make corrections of owners' names and of ward maps.

§ 3. He shall, whenever any error shall be discovered in the annual tax rolls, in the name of any person taxed, or in the description of the property, enter the correct name in red ink over the original one in the roll, and correct the ward map by inserting a true diagram of the property separate from the map, or by an alteration of the map itself when it can be done without injury thereto.

To advertise lands for unpaid liens.

§ 4. He shall, at least once in every month, cause all lands upon which assessments shall remain unpaid, to be advertised and sold pursuant to sections 24 and 26, of title V. of the city charter, and require payment in cash on the day of sale of the sums bid at such sale.

To aid assessors to make apportionment of taxes or assessments.

§ 5. He shall, whenever any tax or assessment shall have been erroneously made as regards the ownership of any lands, so as to require merely an apportionment between different owners thereof, of the amount of such tax or assessment, and an affidavit shall be furnished him, showing the true limits of each ownership in such lands, and the names of the different owners, transmit such affidavit to the board of assessors, with a statement of the manner in which such tax or assessment is laid, and of the amount, with a request to such board to make such apportionment.

§ 6. He shall, whenever any erroneous tax or assess-

ment shall be rectified by the common council, and such rectification shall be certified to him in writing by the city clerk, cause a minute thereof to be entered in red ink upon the original tax or assessment roll.

ARTICLE VIII.

THE ATTORNEY AND COUNSELLOR AND ASSISTANT ATTORNEY.

Attorney and counsellor to appear in all actions on behalf of the city.

SECTION 1. The attorney and counsellor shall himself, or by his own proper substitute, appear for and conduct or defend, all actions and legal proceedings, on behalf of the city, in all courts and places, where the city shall be required, except as in this article provided to be done by the assistant attorney.

To give advice.

§ 2. He shall, whenever requested by the common council, the mayor, or head of any department of the corporation, to give his opinion, do so in writing, and such opinion shall be filed with the city clerk, or in the office of the mayor or department requiring the same respectively.

To conduct proceedings in opening streets.

§ 3. He shall conduct all proceedings for opening or closing streets, avenues and squares, and all local improvements where the intervention of commissioners shall be necessary, under the constitution and laws of the state; advise such commissioners in the performance of their duties, and attend on all requirements in court in relation to such proceedings.

To keep registers.

§ 4. He shall keep a register, in which shall be entered a minute of all proceedings in any action prosecuted or defended by the city, except as in this article provided to be kept by the assistant attorney; and also a separate regis-

ter, in which shall be entered all proceedings had by him in matters of local improvements.

To keep an account of receipts and disbursements, and to account therefor.

§ 5. He shall enter in such registers a minute of all moneys received or disbursements by him necessarily paid in any action or proceeding or otherwise, and shall monthly make a return to the comptroller, of all moneys so paid out and received, showing the items in each case, and the action or proceeding or purpose in and for which the same shall have been received or paid out, and shall, at the same time, pay the moneys so received to the treasurer. The financial officers of the city are hereby authorized to audit and pay the said disbursements, and to draw warrants therefor.

To make report of business in his office annually.

§ 6. He shall annually, on or before the first Monday of November, and as often as the common council shall direct, report to the common council the condition of the business in his office, specifying the different actions and proceedings which may be pending separately, except for violation of ordinances; the time when they were severally commenced, and the then present position of each.

To appoint an assistant.

§ 7. He shall employ a suitable person of the degree of counsellor at law, at a salary of eighteen hundred dollars per year, to be called the assistant attorney, who shall perform the duties hereinafter required of such assistant, but this section shall not require an appointment in place of the present incumbent or corporation attorney, who shall perform, for the residue of his term, the duties by this ordinance devolved upon the assistant attorney.

Assistant to prepare statements for counsellor.

§ 8. The assistant attorney shall, subject to the direction of the counsellor, whenever any action shall be commenced against the city, or any proceeding instituted to which the city shall be a party respondent or defendant, examine into

the facts and ascertain as fully as practicable the grounds upon which such action or proceeding shall be based, and of the defence, if any there be thereto, and report the same in writing to the counsellor, with the testimony, and names of witnesses, which it will be in the power of the city to produce on the trial or hearing thereof.

And prosecute claims in favor of the city.

§ 9. The assistant attorney shall, subject to the direction of the counsellor, prosecute all actions in behalf of the city, for the collection of all claims due to it for purposes other than for local improvements; but he may in important or intricate cases require the aid of the counsellor in such actions.

And prosecute for violation of ordinances.

§ 10. The assistant attorney shall, subject to the directions of the counsellor, prosecute all actions for penalties for violations of ordinances; and shall, in a register provided for the purpose, enter the nature of the complaint, against whom and by whom made, and the time such complaint shall be made to him, with all the proceedings taken by him, to collect such penalties. He shall, in all cases, cause the judgment of the court therein to be executed forthwith. If such judgment shall be appealed from, he shall conduct the proceedings on such appeals, but may require the aid of the counsellor when necessary.

To draw conveyances under direction of counsellor.

§ 11. The assistant attorney shall, when directed by the counsellor, draw any leases, deeds, or other legal papers for the city, and when drawn, submit them to the counsellor for his approval.

To make returns to *certioraris*.

§ 12. The assistant attorney shall, subject to the direction of the counsellor, whenever a *certiorari* shall be issued against the city removing any proceedings, make return thereto within forty days, unless the court shall order it to be done sooner. He shall immediately notice

the same for argument, and furnish the counsellor with all such papers as may be necessary therefor.

Appearances in actions by or against the city.

§ 13. The said attorney and counsellor and the said assistant attorney are hereby respectively authorized to appear in and to conduct or defend for and on behalf of the city any action or proceeding in this article before mentioned, to be brought or defended by them respectively.

Counsellor to nominate two constables to serve process.

§ 14. The counsellor shall nominate to the mayor, who shall appoint one of the constables of the city, who shall serve all process issued by or in the name of the city, board of health, and all subpœnas issued on their behalf; and who shall return monthly to the counsellor, a detailed statement of all process and subpœnas served by him before receiving his compensation for such service, which compensation is hereby fixed at three hundred dollars a year each, in place of all fees and perquisites for such service.

ARTICLE IX.

THE TREASURER.

Treasurer to make weekly returns to the comptroller.

SECTION 1. The treasurer of the city shall make a return weekly to the comptroller of all moneys received by him, and from whom, and on what account they shall have been received; also of all moneys paid out by him, and on what account they shall have been paid.

To deposit moneys daily.

§ 2. He shall deposit daily, to the credit of the city, all moneys received by him, in some one of the banks selected by the common council for that purpose, and in default of any such selection, or in case the banks so selected shall have on deposit moneys of the city equal to one-quarter part of their capital respectively, actually paid in, then in such banks paying to their stockholders half-yearly dividends of profits, as he may think fit, but no greater

amount shall be deposited in any bank than shall be equal to one-quarter part of its capital stock.

To report to common council banks selected by him.

§ 3. In case he shall hereafter deposit any moneys in banks other than those selected by the common council, he shall report to the common council the names of the banks in which he shall so deposit, and the terms, if any, upon which such bank or banks shall have received the deposits; and thereupon and until some different order by the common council in relation to the deposit of such moneys, such bank or banks shall be deemed to be deposit banks of the city of said moneys, and of any further moneys, upon the terms upon which he shall have agreed with said bank or banks to receive them.

To withdraw deposits from non-dividend paying banks.

§ 4. He shall, whenever any deposit bank of the city shall omit to pay half-yearly dividends of profits to its stockholders, immediately draw out such moneys of the city as may be on deposit therein, and deposit the same in some other bank or banks under the restriction mentioned in sections two and three of this article; and the financial officers of the city are hereby authorized to draw the necessary warrant or warrants of transfer for the purpose.

To withdraw moneys when they may be in jeopardy.

§ 5. He shall, whenever the moneys of the city on deposit in any bank or banks are in his opinion in jeopardy, draw them out of such banks with the consent of the mayor and finance committee, and deposit them in some other bank or banks, under the restriction mentioned in sections two and three of this article; and the financial officers of the city are hereby authorized to draw the necessary warrant or warrants of transfer for the purpose.

ARTICLE X.

THE CITY CLERK.

City clerk to keep minutes of the different boards.

SECTION 1. The city clerk by virtue of his office is clerk of the common council, of the joint board of the common council and supervisors of the city, of the board of canvassers of votes given for city and ward officers, of the board of excise, and of the board of health; and it shall be his duty to attend the meetings of the said board, respectively, and keep correct journals and minutes of the proceedings thereof, and record the same in separate books to be kept in his office.

To have custody of the corporate seal.

§ 2. He shall have the custody and charge of the corporate seal of the city, and shall cause it to be affixed to such instruments and writings as he may be authorized to do by any resolution or ordinance of the common council, or as may be necessary to exemplify any document of record in his office or to certify any act or paper, which from the records in his office shall appear to have been a public act of this corporation, or a public document. He shall not affix the said seal, or cause or permit it to be affixed to any instrument or writing or other paper, except as in this section provided, unless required to do so by some statute of the state.

And of the city records and documents.

§ 3. He shall have the custody and charge of, and shall safely keep all records, documents, papers and maps in proper files, and also the printed books and documents belonging to the city, or to the late towns, villages and cities of Brooklyn, Williamsburgh and Bushwick, or to belong to the city, except such as shall necessarily pertain to the business of any other department of the city, or be transferred thereto by order of the common council.

§ 4. He shall cause all ordinances, by-laws, rules or regulations passed by the common council imposing a penalty, or prescribing or regulating the duties of the city officers, to be carefully and fairly engrossed in books to be provided for the purpose. He shall engross all such ordinances, by-laws, rules and regulations, except such as shall be passed under the provisions of sub-divisions 22 and 23, of section 13 of title II. of the city charter, and except such as may be of a similar character, that is of a special application, in a separate book, to be known as the records of general ordinances. He shall engross all such ordinances, by-laws, rules or regulations as are hereby excepted from the book of general ordinances, in a separate book to be known as the record of special ordinances. He shall cause each ordinance, by-law, rule or regulation when so engrossed to be signed by himself as clerk, and also by the mayor. He shall engross, after each general ordinance, a copy certified by himself, of the proof of the due publication thereof; but his omission to engross any such ordinance, by-law, rule or regulation, or proof of publication thereof as directed, shall not impair or affect its validity in any respect. To engross the ordinances.

§ 5. He shall, upon the final passage of any ordinance or resolution of the common council, prepare a copy of such as require a publication under the charter, or by the provisions of such ordinance, and cause the same, properly attested, to be published in the corporation newspapers, and shall file in his office the requisite proofs of such publication. And publish them.

§ 6. He shall cause entire copies of all reports of committees of the common council and of the city officers, after they shall have been finally acted upon by the common council, together with a statement of the action thereon, to be made in proper books, to be kept for that purpose with proper indexes. To engross reports of committees and city officers.

To present ordinances and resolutions for the approval of the mayor.

§ 7. He shall without delay present to the mayor every ordinance or resolution of the common council, required to be acted upon by the said mayor, duly certified, and as soon as practicable after final action shall be had in the passage of any special ordinance or resolution, deliver a certified copy or statement of the same to the departments or officers of the common council, to whom such ordinance or resolution may refer, and to all committees, such resolutions and communications as may be referred to them by the common council. He shall issue notices to the respective members of the different committees of the board, and all persons whose attendance may be required upon such committee, when directed so to do, by the chairman thereof, to be served by the messenger of the common council.

To furnish copy resolutions to officers.

To issue notices.

To keep an account of warrants on the treasury.

§ 8. He shall keep an accurate account of all warrants, countersigned by him, directing moneys to be drawn from the treasury, in a book to be provided for that purpose, showing the date, amount and number of each, the account to which the same shall be charged, and the bank upon which it shall be drawn or by which it shall be directed to be paid.

To receive license moneys.

§ 9. He shall countersign all licenses granted by the mayor or common council under the charter and ordinances of the city, and receive all sums paid for the same.

To keep and render an account of all moneys received by him.

§ 10. He shall enter into a book provided for that purpose the names of all payers of moneys which he may receive for the city, the amounts so received and the object thereof, and shall render a faithful and distinct account of all such moneys to the comptroller monthly, and thereupon pay over the same to the treasurer of the city.

To furnish firemen's certificates.

§ 11. He shall furnish the certificate required to be furnished to all persons appointed firemen without fee or reward.

§ 12. In the absence of the city clerk, in consequence of sickness or otherwise, the assistant clerk shall be empowered to perform all the duties of the city clerk. Assistant clerk.

ARTICLE XI.

ASSESSORS.

SECTION 1. The board of assessors shall regularly meet once in each week, except during the summer recess, if any, of the common council, on such day and hour as they shall, by their own by-laws, determine, and as much oftener as may be necessary, for the purpose of hearing parties interested in assessments, as well before as after the same shall be made, and for the transaction of any other business which may come before them. Assessors to meet weekly.

§ 2. The secretary of the board shall call the roll of members at that hour, and shall keep minutes of the proceedings of the board in a book provided for that purpose, and enter therein the names of the members attending at each meeting. Secretary to keep minutes.

§ 3. The board of assessors shall apportion any erroneous tax or assessment which shall be sent to them by the collector of taxes and assessments, pursuant to the provisions of this ordinance, and deliver the apportionment and affidavit and statement sent them by the collector to the person or persons mentioned therein, for the purpose of being annexed to their petition to the common council for the correction of such error. Assessors to apportion taxes and assessments.

ARTICLE XII.

CITY SURVEYORS.

SECTION 1. Every city surveyor shall reset all monuments which shall be dug down, covered over or in any way City surveyors to reset monuments.

disturbed in grading any street or avenue under his charge.

To furnish certificates of work done.

§ 2. Every city surveyor shall, whenever required by the street commissioner, furnish a certificate of the amount in value of work done by any contractor for any local improvement in his charge, and also, at the final completion of the work, and not otherwise, furnish the street commissioner a certificate that the work has been completed according to contract.

ARTICLE XIII.

INSPECTORS OF PAVEMENTS.

Inspectors of pavements to superintend grading and paving streets.

SECTION 1. The inspectors of pavements shall superintend the grading, turnpiking, setting curb and gutter, and paving of all streets, avenues and alleys done under contract, and the relaying of the pavement of any street where the same shall be removed in the laying of gas pipes, water pipes, railroad tracks, or for any other purpose.

To inspect work and materials.

§ 2. They shall attend the work as it progresses, and inspect all paving, curb and gutter stones, and stones for crosswalks, also the gravel under and covering upon the pavements, the width and gravelling of the sidewalks, the manner of paving and all the materials and work used, or done under such contract with the city; and they shall, if any materials shall be bought or used upon any such street, avenue or alley not of the size or quality specified by the contract or ordinance, or any work be not properly done, direct the contractor to remove such materials immediately therefrom, and to take up such work, and if the same shall not be removed within two hours thereafter, they shall cause it to be done, and report the expense thereof to the street commissioner, which expense shall be deducted from the amount of the contract.

§ 3. They shall, upon the completion of any such contract, and not otherwise, certify the same in writing to the street commissioner. To certify when the contract shall be completed.

ARTICLE XIV.

CLERK OF THE MARKETS AND INSPECTORS OF MEAT.

SECTION 1. The clerk of the markets shall have charge of the James street market, owned by the city; take care of the buildings thereof; attend therein daily; collect all market fees and rent, as fixed by the market committee, weekly or sooner, as they become due; cause such market and limits to be kept clean; determine all questions between butchers, fish-mongers or hucksters, touching their relative rights of location in and about such market; assign, so as not to interfere with the public travel, for the purpose of selling fruits, vegetables, country meat, fish, or other articles, under the direction and permission of the market committee to the parties so permitted, their stands within the market limits as heretofore used, namely, from the market in market street to Fulton street, in James street, from Mercein street to a point midway between the market and Main street, and in York street, from the market to Main street, and in Mercein street and Garrison street, adjoining the market; keep a list of all persons occupying said market or any portion thereof, or of the limits thereof, who shall be liable to pay rent, fees or license, with the time of the commencement, and of the termination of such occupation and the amount collected from each; exclude and remove from the market or market limits all articles whether of sale or used for the purpose of sale, unless in pursuance of a license or permit; inspect monthly or oftener, as may be necessary, all weights, measures, beams and scales, used in and about the market in weighing and measuring; perform in and about Clerk of the markets—his duties.

the market the duties which are required of the meat inspector by this ordinance, as to shops and dealers in meat; follow such directions as may be given him by the market committee in relation to such market; and report forthwith all violations of the ordinances in respect of the matters pertaining to his office to the assistant attorney.

Inspectors of meat—their duties.

§ 2. The inspectors of meat shall visit daily in the forenoon the different shops or places, other than the market owned by the city, where meats shall be exposed for sale in the districts assigned them respectively by the mayor, and ascertain whether any meat there offered for sale is unwholesome, or is the flesh of any animal dead by accident or disease; caution purchasers against any so ascertained, and forthwith report to the assistant attorney for prosecution, all persons selling or exposing the same for sale or otherwise violating the provisions of the ordinance for the preservation of the public health; they shall ascertain the names and location of all dealers in meat in their respective districts except in the market owned by the city, and report the same to the assistant attorney on the first Monday of every month, designating in such report such as are licensed, and such as are not licensed; they shall visit daily the different slaughter houses in their respective districts and ascertain whether they conform to the ordinances affecting them, and especially to the provisions of the ordinance for the preservation of the public health; they shall report forthwith to the assistant attorney for prosecution all violations thereof, and they shall follow such directions as may be given them from time to time by the market committee.

Adopted in common council December 26, 1856.

Approved by the mayor December 30, 1856.

CHAPTER II.

AN ORDINANCE PROVIDING TO LICENSE AND REGULATING CARTMEN, OWNERS AND DRIVERS OF HACKS, CABS, OMNIBUSES, STAGES, TRUCKS, CARRIAGES FOR THE TRANSPORTATION OF PASSENGERS AND ARTICLES OF VARIOUS KINDS, AND OF RAILROAD CARS, BUTCHERS, COMMON CRIERS, HAWKERS, PEDDLERS, PAWNBROKERS, JUNKSHOP KEEPERS, SWEEPS AND SCAVENGERS; AND FIXING THE RATES OF COMPENSATION OF CERTAIN OF THEM.

The Common Council of the City of Brooklyn do ordain as follows:

ARTICLE I.

OF LICENSES.

SECTION 1. Licenses shall be granted by the mayor, from time to time, to such persons as he may deem proper, residents of the city of Brooklyn, of the age of twenty-one years, and of good moral character, and not otherwise, to carry on the business or trade, or to act in the capacity of coachmen, porters, owners and drivers of hacks, cabs, omnibuses, stages, express wagons, peddlers' wagons, and junk wagons or carts; and of common criers, hawkers, peddlers, pawnbrokers, junkshop keepers, sweeps, scavengers, butchers, and meat-sellers; but no person shall be licensed as a cartman, except as a dirt cartman, unless he shall own a good horse and cart over and above all debts due by him, and shall be a citizen of the United States; and no person shall be licensed as a keeper of hacks, cabs, omnibuses or stages, unless he shall be the owner of two good horses and of a good hack, cab or omnibus, and be a citizen of the United States. Licenses to be granted by mayor.

§ 2. All licenses granted for the purposes mentioned in the preceding section of this article, shall expire on the What to contain.

first Monday of May next after the same shall be granted, and shall respectively state the purpose for which they shall be granted, the number of the license and the name of the person licensed; and in case of omnibuses and stage coaches shall also state the avenues and streets to which their route shall be limited.

Sums to be paid therefor.

§ 3. There shall be charged and paid to the city clerk, for the use of the city, on issuing the licenses mentioned in this article, the following sums:

For each stage or omnibus, ten dollars.

For each hack, cab, express wagon, peddler's wagon, junk wagon or cart, peddler or junk dealer, three dollars.

For each dock or furniture cart, one dollar and fifty cents.

For each dirt cart, fifty cents.

For each charcoal, fish, fruit or vegetable wagon, truck or cart, two dollars.

For each pawnbroker, fifty dollars.

For each butcher or meat dealer, one dollar.

For each driver of a hackney coach, cab or omnibus, other than the person licensed to keep the same, one dollar.

ARTICLE II.

REGULATIONS OF LICENSED PERSONS.

Penalties upon licensed persons.

SECTION 1. Any person licensed as authorized by the first article of this ordinance, who shall violate any provision of this ordinance, shall be liable to pay a penalty of ten dollars for each offence.

For taking greater compensation than that fixed by this ordinance.

§ 2. No person licensed as aforesaid, shall ask, demand, or be entitled to receive any larger sum for his services, in cases where his compensation is fixed by this ordinance, than is so fixed; and in case of disagreement as to his compensation, whether under the provisions of this ordi-

nance or in cases where the compensation is not fixed hereby, the same shall be determined by the mayor.

For refusing to give their cards.

§ 3. No person licensed as aforesaid shall, in cases where the rate of compensation for the service performed by him shall be fixed by ordinance, refuse or neglect to exhibit to the person employing or dealing with him, when requested so to do, a card or book, on which shall be printed or plainly written his name, the capacity in which he shall be licensed, the number of his license, and the rates of compensation fixed for his services by this ordinance; or, if he be licensed as a hack owner or driver, shall neglect to place a similar card, with the name both of owner and driver, in addition, in each hack, so that it shall be obvious to all passengers therein.

For refusing to act in their licensed capacity.

§ 4. No person licensed as aforesaid shall refuse or neglect to act within the city in the capacity for which he shall be licensed, upon being applied to for that purpose, when on his stand or otherwise publicly waiting for employment, and upon being tendered the fare for the same as fixed by ordinance, by any person requiring the service.

For obstructing the streets.

§ 5. No person licensed as aforesaid, shall stand waiting for employment with his vehicle in any street, highway or public place, except as now established or accustomed, or as shall be hereafter designated by the mayor, who shall have power to make such designation, and to alter the same from time to time, as well the stands now established or accustomed as those to be designated; nor shall any person so licensed refuse or neglect to conform to such regulations as shall be adopted by the mayor, in regard to the order or arrangement of vehicles on such stands, who is hereby authorized to make such regulations from time to time as he may deem proper.

For neglecting to comply with the mayor's regulations.

For permitting any one else to act under their licenses.

§ 6. No person licensed as aforesaid shall be entitled to transfer his license, or shall permit others to act under the

same, or shall violate any restrictions contained in his license; but each license shall authorize the person named therein, and no other person, to act in the capacity therein designated, except in case of sickness of the person so licensed, in which case the mayor may in writing permit another person to act for and on behalf of the one sick during such sickness, and revoke such permission at pleasure, and the provisions and penalties of this ordinance shall apply to the person so permitted in the same manner and extent as far as may be as if he were licensed under this ordinance.

To have the number of his license on his vehicle.

§ 7. Every person licensed as aforesaid shall have the number of his license conspicuously marked on the outside of any cart, wagon, hack, cab, omnibus, or other vehicle which he may be authorized by such license to drive; and

And if a porter or peddler, upon his person.

every porter, and every peddler, who shall not be authorized to use a wagon, or who shall not use a wagon in his business, shall wear a badge in a conspicuous place, on which shall be engraved his name and the number of his license.

Licenses may be revoked.

§ 8. Any person licensed as aforesaid who shall violate any regulation or provision of this ordinance, shall, upon conviction, have his license revoked.

Cartmen not to use certain wheels.

§ 9. No cartman shall use a cart or dray with iron shod wheels, unless the iron or tire around the wheel thereof shall be not less than three inches in breadth, and the nails with which the tire shall be nailed or fastened to the wheel shall be sunk into the iron or tire so that the heads to such nails shall not project beyond the surface thereof; nor shall he use any cart or dray not shod with iron in the manner aforesaid, unless the rims of the wheels shall be not less than four inches and a half broad and eight inches deep, when new.

Nor to transport certain articles,

§ 10. No cartman shall use any sled, cart or dray for

transporting any manure, sand, earth, mud or clay, unless the same be provided with a close box, the front and sides of which shall not be less than two feet in height, and the tail board not less than sixteen inches high, if he be not licensed as a dirt cartman, or the front and sides less than eighteen inches in height and the tail board not less than twelve inches in height if he be licensed as a dirt cartman.

except in certain boxes.

§ 11. No cartman shall use any sled, cart or dray for transporting any article whatever, unless the same be so provided as to prevent such article, or any portion thereof, from dropping or falling upon the street.

Nor to permit any article to fall in the street.

§ 12. No cartman shall cart or carry any firewood unless the stanchions of the cart or sled which he shall employ to cart or carry the same be four feet five inches high from the floor of the cart or sled, and no higher; nor unless the breadth of such cart or sled between the two foremost stanchions shall be two feet, five inches, and between the two hindmost stanchions shall be two feet, nine inches, and no more; nor unless he shall carry between the said stanchions thirty-seven feet, ten inches and two-thirds of an inch, cubic measure, of wood, closely stowed, for a load, which quantity shall constitute and be deemed a load for the carting, selling and buying such wood.

Nor to cart firewood except with a certain quantity to the load.

§ 13. No cartman shall cart or carry any anthracite or hard coal which shall be sold within the city, unless the same shall be first weighed; nor unless two thousand pounds of dry coal shall be allowed to the ton, and a suitable allowance be made in addition when the coal shall be wet or damp, which quantity shall constitute and be deemed a ton for the carting, selling and buying such coal; and no person shall sell, and no cartman shall cart or transport any such coal from any coal-yard or other place in the city of Brooklyn without being first weighed as aforesaid, under the penalty of twenty-five dollars for every load, or part of a load, so sold, carted or transported.

Nor to carry coal except a certain quantity to the ton.

Junkshops regulated.

§ 14. All persons licensed as junk shop keepers may keep shops for the purchase, sale or barter of junk, old metals or any second-hand articles, at such place and in such manner, and during such hours only, as the license shall direct. They shall keep a book in which shall be written, at the time of every purchase, a description of the article or articles so purchased, the name and residence of the persons from whom, and the day and hour when such purchase was made, which book shall be at all times open to the police. They shall not purchase or receive by way of barter or exchange any article of any minor. Any person violating this section shall be liable to a penalty of twenty-five dollars.

Signs to be put up to all licensed shops.

§ 15. All persons licensed under the provisions of this ordinance who shall keep shops, stores or offices for the business of such license, shall have and keep signs attached thereto, publicly, on the street side, setting forth their names and business, respectively.

ARTICLE III.

OF PERSONS ACTING WITHOUT LICENSE.

No persons without license to transport goods or passengers for hire.

SECTION 1. No person shall drive within the city of Brooklyn for hire or wages, any cart, sled, truck, dray, wagon, or use any hand cart or barrow for the transportation of any merchandise, goods, or articles of any kind, or drive or cause or permit to be driven, any hackney coach, carriage, cab, omnibus or stage for the transportation of passengers without being first licensed by the mayor to do or cause the same to be done, under the penalty for each and every offence, to be paid by the owner and driver severally and respectively, of twenty-five dollars when driven for the transportation of passengers, and of ten dollars when driven for the transportation of merchandise, goods or articles of any kind, except dirt, sand, gravel, clay, or paving stone or building rubbish, and of five dol-

lars for the transportation of dirt, sand, gravel, clay, paving stone or building rubbish.

Or to drive express, junk, or peddlers' wagons.

§ 2. No person shall drive within the city of Brooklyn, any express wagon, junk wagon, or cart, or peddler's wagon, or follow the business of a peddler or junk dealer, without being first licensed by the mayor, under the penalty of five dollars for each offence, to be paid by the owner and driver severally and respectively.

Or to carry on the business of a butcher.

§ 3. No person shall exercise or carry on within the city of Brooklyn, the trade or business of a butcher, or any branch or part thereof, or of a seller of meats, without being licensed by the mayor, under the penalty of fifty dollars for each day he shall so exercise or carry on any such trade or business, or branch or part thereof.

Or to drive any charcoal, fish, fruit, or vegetable wagon.

§ 4. No person shall drive any charcoal, fish, fruit or vegetable wagon, truck or cart, or cry or hawk for sale within the city of Brooklyn, charcoal, fish, fruits or vegetables, without being licensed therefor by the mayor, under the penalty of five dollars for each offence, to be paid by such crier or hawker, and by the owner and driver of any such wagon, truck or cart, severally and respectively.

Or to carry on the business of a pawnbroker.

§ 5. No person shall carry on the business of a pawnbroker within the city of Brooklyn, without being licensed by the mayor, under the penalty of one hundred dollars for each day he shall carry it on.

Or that of a sweep or scavenger.

§ 6. No person shall carry on the business of a chimney sweeper, or of a scavenger, within the city of Brooklyn, without being licensed by the mayor, under the penalty of five dollars for each offence.

ARTICLE IV.

THE BROOKLYN CITY RAILROAD.

Brooklyn City Railroad—regulations as to the

SECTION 1. The Brooklyn city railroad shall be subject to the following regulations:

hours of running the cars.

(1.) There shall be at all times when practicable between the hours of $6\frac{1}{2}$ A. M. and $12\frac{1}{2}$ at night from the 15th of November to the 1st of May, and the hours of $5\frac{3}{4}$ A. M. and 12_2 P. M. in the other months, cars running on the respective routes of the said company from the ferries to their respective depots as the public travel shall require; and beyond the respective depots of the said routes, and on Hamilton avenue, the said company shall run cars at such times as shall be required by the mayor.

And stopping them.

(2.) Cars stopping at a street intersection shall stop at the further walk thereof, so that the cars shall not, when stopped, interfere with the travel on the cross streets.

As to their rate of speed.

(3.) Cars shall not be driven at a greater rate than five miles per hour.

License fees, how calculated.

§ 2. The amount to be paid by the said company to the city for running their cars, shall be calculated on the average number of cars running annually on each route respectively, excluding the extra cars run on holidays.

Mayor to have power to discharge conductors and drivers.

§ 3. The mayor shall have the power, upon any complaint made to him, to require any conductor or driver of the company to appear before him, upon a notice of at least twenty-four hours, and if, upon investigation and examination of witnesses, he shall adjudge that said conductor or driver has been guilty of insolence, extortion, or reckless or other improper conduct, he shall notify such determination to the president of the company, and thereafter such conductor or driver shall not act as such without the permission of the mayor.

Company to clear snow from tracks.

§ 4. In order to facilitate the public travel, the said company are authorized and required to clear their tracks of snow during the falling thereof, or immediately thereafter, to the distance of two feet outside thereof. The said company shall not place or pile any such snow or ice on the sidewalk or in the gutters to the distance of one foot from the curb stone, nor such snow or ice in the space between the said tracks and gutters where

the owner or occupant of any premises shall have removed the same from the said space in front of such premises, nor shall such company place or pile any such snow or ice at the intersection of any street or avenue so as to prevent the passage of carriages, sleighs or foot travellers from or to any street or avenue crossing such track.

No improper person to ride in the cars.

§ 5. The said company shall not, nor shall any conductor, permit any person who shall be indecent or scandalous in behavior, or filthy or foul in person, to be carried in the cars; nor shall any such person be allowed to remain in the cars.

Cars to have the right of track.

And not to be obstructed.

§ 6. The cars of the said company shall have the right of their tracks as against any person, carriage, vehicle, or incumbrance put, driven or being thereon with a view to delay or embarrass the progress of the cars; and no person shall obstruct the said tracks or obstruct or prevent the cars from running or progressing thereon, or remain or keep any vehicle on said tracks in the way of any car, if there shall be opportunity to turn off.

Cars to be numbered.

§ 7. The cars of the said company shall be distinctly numbered, both outside and inside.

Conductors and drivers to give their names.

§ 8. It shall be the duty of the conductors and drivers to give their names to any passenger who shall request the same.

Company to furnish names of conductors and drivers.

§ 9. The said company shall, whenever required to do so by the mayor, furnish a list of all the conductors and drivers, and of any one of them conducting or driving any car at the same time.

Penalties for violation of this article.

§ 10. The said company shall be liable to a penalty of fifty dollars for any violation on their part of any provision of this article; and any conductor, driver, or other person, violating any provision of this article, shall be liable to a penalty of ten dollars; and it shall be the duty of the police to enforce the provisions of this article.

ARTICLE V.

RATES OF COMPENSATION TO CERTAIN LICENSED PERSONS.

SECTION 1. The rates of compensation to persons licensed as aforesaid, for the services hereinafter mentioned, are hereby fixed as follows:

Compensation to cartmen.

(1.) To cartmen, for loading, conveying and unloading goods, wares, merchandise and other things, when the distance shall not exceed half a mile, as follows:

Ale or beer, every hogshead, from 60 to 90 gallons,	$ 37½
Alum or copperas, every hogshead, from 12 to 15 hundred weight	44
Alum or copperas, every hogshead, over one ton weight	68
Bread, every four tierces	37½
Bricks, every load	37½
Bricks, every load handled and piled	60
Boards, planks and scantling, or other timber, every load	37½
Beef or pork, every five barrels	44
Cables, half shot, from 5 to 7 inches in circumference	44
Cables, whole shot, from 5 to 7 inches in circumference	75
Cables, half shot, from 7 to 10 inches in circumference	87½
Cables, whole shot, from 7 to 10 inches in circumference	1 75
Cables, whole shot, of 10 and not exceeding 12 inches in circumference	2 00
Cables, whole shot, of 12 and not exceeding 14 inches in circumference	3 00
Cables, half shot, of the last two preceding dimensions	1 50
Cables, half shot, of 14 and not exceeding 15 inches in circumference	1 75

Cables, whole shot, of 14 and not exceeding 15 inches in circumference	4 00
Cables, whole shot, of above 15 inches in circumference	5 00
Calves, sheep, lambs, every load	50
Cider, cheese, cocoa, every load	37½
Clay or sand, every twelve bushels	50
Coal, every half chaldron or ton	68
Coffee, in bags or barrels, every load	37½
Coffee, every hogshead over one thousand weight.	44
Cordage, small, every load	37½
Cotton, every three bales	44
Dry wood, every load	37½
Earthenware, loose, every load	56
European goods, every load	50
Fire wood, every load	37½
Fish, dried, loose, every load	66
Flax seed, every three tierces	37½
Flour, every twelve bags or seven barrels	37½
Furniture, household, housing every load	1 50
Gammons or hams, every load	37½
Hay, in bales, bundles or trusses, every load	37½
Hay, loose, every load	1 00
Heading or staves, every load	37½
Hemp, in bales or bundles, every load	44
Hemp, loose, every twelve hundred weight	75
Hides, every fifty	44
Hoops, in bundles, every load	37½
Hoop poles, every load	66
Iron hollow ware, every load	44
Iron bar, every load	44
Molasses, every hogshead, from 60 to 90 gallons	44
Molasses, every hogshead, from 90 to 140 gallons,	62½
Oil, every three barrels	37½
Oysters, oyster shells or pantiles, every load	44

Paints or whiting, every hogshead, from twelve to fifteen hundred weight	44
Paints or whiting over one ton weight	75
Paints, whiting, or pimento, every load	37½
Plaster of Paris, every ton	37½
Potash, every three barrels	37½
Rum, every hogshead	50
Salt, every twenty bushels	44
Shingles, in bundles, long cedar or pine, every load,	37½
Shingles, cypress, twenty-two inches, every two thousand	50
Stone, paving or building, every load	37½
Stone, cut, every load	48
Sugar, Havana, every three boxes	44
Sugar, every hogshead, from nine to fifteen hundred weight	44
Sugar, every hogshead, over one ton weight	75
Tar, pitch, or turpentine, every five barrels	37½
Tea, every load	44
Tiles or slates, every load	56
Tobacco, every common hogshead	44
Tobacco, every hogshead over one ton weight	75
Wheat or other grain, every load	50
Wine, gin or brandy, every pipe over 100 gallons,	62½
Wine, every four quarter casks	50
For every load of goods, wares, merchandise or other thing not above enumerated	44

And for every additional half mile after the first half mile, one third more for the articles above enumerated, than the above rates respectively.

To hack and cabmen.

(2.) To owners or drivers of hackney coaches and cabmen for conveying passengers, as follows:

For conveying a passenger any distance not exceeding one mile, twenty-five cents; for every additional passenger, twenty-five cents.

For conveying a passenger any distance exceeding a mile, and within two miles, fifty cents; and for every additional passenger twenty-five cents.

For the use of a hackney coach or carriage by the day, with one or more passengers, five dollars.

For the use of a hackney coach or carriage by the hour, with one or more passengers, with the privilege of going from place to place, and of stopping as often as may be required, as follows, viz: for the first hour one dollar, for the second hour seventy-five cents, and for every succeeding hour fifty cents.

In all cases where the hiring of a hackney coach or carriage is not at the time thereof specified to be by the day or hour, it shall be deemed to be by the mile.

For children between two and fourteen years of age, half-price only shall be charged, and for children under two years of age, no charge shall be made.

Whenever a hackney coach, carriage or cab shall be detained, excepting as aforesaid, the owner or driver shall be allowed after the rate of seventy-five cents for each and every subsequent hour, and so in proportion for any part of the first and subsequent hour, which the same may be so detained.

Every driver or owner of a hackney coach or carriage shall load and transport in and upon his coach or carriage, in addition to the person or persons therein, and unload, one trunk, valise, saddle-bag, carpet-bag, portmanteau, box, bundle, basket, or other articles used in travelling, if he be requested so to do, without charge or compensation therefor, but for every trunk or other such article, as above named, more than one, he shall be entitled to demand and receive the sum of six cents, if conveyed within the distance of one mile, and if more than one mile, the sum of twelve and a half cents.

(3.) To porters or hand-carters as follows: In carrying To porters and handcartmen.

a load upon a wheelbarrow, any distance not exceeding half a mile, twelve and a half cents; over half a mile and not exceeding a mile, twenty-five cents; and in that proportion for any greater distance.

In carrying a load in a handbarrow any distance not exceeding half a mile, twenty-five cents; over half a mile and not exceeding a mile, forty-four cents, and in that proportion for any greater distance.

For carrying a load in a hand-cart any distance not exceeding half a mile, eighteen cents; over half a mile and not exceeding a mile, thirty-one cents, and in that proportion for any greater distance.

Adopted in common council February 11th, 1857.
Approved by the mayor February 13th, 1857.

CHAPTER III.

AN ORDINANCE TO ESTABLISH A FIRE DEPARTMENT, REGULATE AND DEFINE THE DUTIES AND POWER OF FIREMEN, AND TO LIMIT, DEFINE AND PRESCRIBE THE DUTIES OF FIRE WARDENS AND OTHERS CONNECTED WITH THAT DEPARTMENT.

The Common Council of the City of Brooklyn do ordain as follows:

ARTICLE I.

THE ORGANIZATION OF THE FIRE DEPARTMENT.

A fire department established, in two organizations.

SECTION 1. There shall be a fire department of the city of Brooklyn, divided into two organizations, one for the western district and one for the eastern district, as provided by section I., title VII., of the act of consolidation. Each organization subject to the provisions of this ordinance shall consist of one engineer and such assistant engineers, enginemen, hosemen, axemen, bucketmen, and

hook and ladder men and others as now belong thereto respectively, and as shall from time to time be elected by the firemen of each district, and approved by the common council in the manner provided by this ordinance.

Election of engineers in Western District.

§ 2. The members of the different organized companies of the fire department of the western district shall meet at their respective houses on the second Tuesday of December in each year, and those of the eastern district shall meet at their respective houses on the last Monday of April in each year, for the purpose of voting by ballot for chief engineer or assistant engineers, as the case may be, for their respective districts, who shall hold their respective offices for the term of two years, and until others shall be elected in their places. The polls at such election shall be opened at seven o'clock P. M., and continue open until ten o'clock P. M. Each company shall appoint three inspectors of its own elections, whose duty it shall be to make a faithful return thereof, accompanied by the poll list containing the whole number of votes polled, the name and office of each candidate voted for, and transmit such return, duly certified, within one week thereafter, to the secretary of the board of representatives of the fire department of their respective districts. The board of representatives shall meet at some convenient place as soon thereafter as convenient, for the purpose of canvassing the votes returned to them, and furnish the common council with a full statement of the canvass, duly verified under oath by their president and secretary, within twenty-four hours thereafter, for the action of the common council thereon. The term of office of the present chief engineer of the western district shall expire on the first day of February, 1859; that of the present chief engineer of the eastern district shall expire on the second Monday of May, 1858; that of the present assistant engineer of the western district shall expire on the first day of February, 1858; and that of the

present assistant engineer of the eastern district shall expire on the second Monday of May, 1857.

Eligibility of engineers, and vacancies in their office.

§ 3. No person shall be eligible to the office of chief engineer or assistant engineer unless he shall have been a fireman of the district for three years next preceding the election, or shall be an exempt fireman of the district. In case of the death, removal from the district, or from office of the chief engineer or any assistant engineer, or of the refusal of the common council to approve any of them, the board of officers, or the board of representatives, as the case may be, of the fire department of the district shall order a new election to take place within forty days thereafter, subject to the provisions in regard to elections in such district herein before provided; but no person whom the common council shall have refused to approve or shall remove, shall be eligible at such election. Such board of officers or board of representatives, as the case may be, shall, when such vacancy shall happen in the office of chief engineer, appoint, subject to the approval of the common council, one of the assistants to act as such until the new election shall take place. They may also fill any vacancy in the office of assistant, until the new election.

Who entitled to vote for them.

§ 4. Every fireman who shall be attached to one of the fire companies doing actual duty at the time of any such election, and shall have been doing actual duty for three months previously thereto, shall be entitled to vote thereat. In case the name of any person offering to vote shall be omitted on the firemen's register of the common council, he shall produce a certificate from the clerk of the common council, that he has been appointed a fireman, and also an affidavit of his doing actual duty as aforesaid. The said firemen's register shall be evidence of membership of the firemen whose names are therein entered. But no member of any company suspended, disbanded or organized without doing duty, shall be entitled to vote. The

foreman of each company shall, at least ninety days before the election, make a return of all members elected and belonging to his company, to the chief engineer of the district, who shall within thirty days thereafter, see that the register of the common council be correctly made up for the purposes of election.

Who are firemen.

§ 5. Firemen, as understood in this ordinance, shall embrace all members of any engine, hose, axe, bucket, or hook and ladder company liable to actual duty.

Firemen, how elected.

§ 6. All firemen hereafter to be attached to the fire department, except on the formation of new companies, shall be elected by the members of the companies to which they shall respectively become attached, in such manner as the by-laws of such companies shall respectively provide. No person shall be elected a fireman until he shall have attained the age of twenty-one years, and unless he shall be a citizen of the United States, and shall have been a resident in the district in which the company shall be established six months next preceding his election.

Voting by proxy prohibited.

§ 7. No one shall be allowed to vote by proxy at any election for officers or members of the fire department, or for members or officers of any company, any by-law or other regulation to the contrary notwithstanding.

To be approved by the common council.

§ 8. The foreman of any company making any election of members, shall transmit to the chief engineer, in writing, the names, ages, places of residence and occupation (and, if minors, the names of the parents or guardians) of the persons so elected. The chief engineer shall, if any vacancy exist in the company, send their names to the common council, to be approved by the common council as firemen. The city clerk shall register the names of such persons as shall be elected firemen and approved, with their ages, places of residence, and occupation, and furnish, free of charge, a certificate of appointment to each, as provided by section 5, of title VII., of the city charter.

And until the persons so elected shall be approved by the common council, and a certificate of their appointment given as herein provided, they shall not be members of the fire department.

Firemen divided into companies.

§ 9. The firemen shall be divided into companies, to consist of as many members as is by this ordinance provided, to attend the fire engines, hose, hooks and ladders, buckets and other apparatus belonging to the city, or any of them. The members of each company shall annually, on some day to be regulated by its own by-laws, elect a foreman, assistant foreman, and clerk, who shall be firemen of such company, and who shall enter upon their duties on the first day of the month after such election, and hold their offices for one year and until others shall be elected in their places, unless sooner removed by the common council, or other competent authority; provided that the foreman, assistant foreman, and clerk of any company now in office, shall continue therein until after the first election under this ordinance.

Different companies, how constituted.

§ 10. Companies shall be constituted as follows: engine companies shall consist of seventy-five men each, except that any engine now having less than seventy-five men, shall not be increased to that number until the chief engineer of the district shall, by direction of the common council, notify the firemen thereof to that effect, and thenceforth such engine company shall be entitled to seventy-five members; hose companies shall consist of not to exceed thirty men each; hook and ladder companies shall consist of not more than forty men each, and bucket companies of not to exceed fifty men each.

New companies, how formed.

§ 11. New companies shall be formed from time to time as the common council may, by a two-third vote determine, by volunteer associations; all additional members to companies once formed, shall be elected by the members of such companies, in the manner hereinbefore provided.

§ 12. Each company shall be responsible for the misconduct or wrongful acts of its members, unless such wrongdoers be duly dealt with by it. Companies responsible for the acts of their members.

§ 13. The foremen of companies shall be responsible for the proper care of the property of the city, entrusted to their respective companies; they shall obey all orders of the engineers in command at the fire, or either of them; they shall cause the roll of the company to be so kept as to show at each fire or alarm of fire who of the members of their company were present; and any neglect of duty by them in these particulars shall render them liable to removal, or expulsion from the department. The assistant foreman shall act in the absence of the foreman. Foremen responsible for the care of property.

§ 14. Firemen shall, on any alarm of fire within their departmental district, and in cases of general alarm, repair to the house of their company, and take their respective engines, trucks, hose, buckets and other apparatus to the scene of fire, and work the same under the direction of their respective foreman, and there remain until ordered away by the engineers, when they shall return with their machines and fire apparatus to the house of the company. Duties of firemen.

§ 15. The members of the department shall, when on duty, be distinguished as follows, respectively:—every engineer shall wear a white fire cap, on the front of which shall be printed the initials of his name, and the word "chief engineer," or "engineer," as his office may be. Badges of officers and members.

Every foreman and assistant foreman of a company shall wear a fire cap painted black, with a white front, on which shall be painted the initials of his name, the number of his company, and the word "foreman" or "assistant foreman," as his office shall be. Every fireman shall wear a fire cap painted black, on the front of which, in white lettering, shall be painted the initials of his name, and the number of his company, as "engine company, No. 1," or "hose company, No. 2," as the case may be.

Penalties upon firemen and others.

§ 16. No fireman or other person shall place or draw, or assist in placing or drawing any fire engine, hook and ladder carriage or hose cart, or any other wheel carriage used in the extinguishment of fire, upon any railroad track in any street or avenue, on a down grade, or shall in going to or returning from a fire or alarm of fire, or at any other time, drag, run or place, or assist in dragging, running or placing any fire engine, hook and ladder cart or hose cart upon any sidewalk, except at the place of fire, or by order of an engineer at the time of a fire; or shall use or assist in using any fire engine belonging to the city, for a wager, or in strife or in competition between fire companies, or in racing in any manner, in any street or avenue, or elsewhere; or shall in returning from a fire or an alarm of fire, draw any fire engine, hook and ladder carriage, hose cart or other wheel carriage connected with the department, faster than a walk. Any fireman or other person violating any provision of this section, shall be liable to a penalty of ten dollars, and any fireman violating the same may be suspended or expelled, as the common council may determine. In case any company be engaged in a fight or riot, such company shall be disbanded if the common council so determine, and if any member refuse to obey the orders of the engineers or any of them, he shall be expelled, if the common council so determine.

Engineers and fire wardens to take oath of office.

§ 17. The chief engineers, assistant engineers, and fire wardens, shall, before entering upon the duties of their several offices, take and subscribe an oath well and faithfully to perform the duties of their offices respectively.

Salaries of chief engineers and fire wardens.

The chief engineers and fire wardens shall receive for their services such compensation as the common council shall from time to time prescribe.

Amounts to be paid each company annually.

§ 18. There shall be paid to each engine company annually, the sum of one hundred dollars, and to each hose, hook and ladder, and bucket company, the sum of seventy-

five dollars, for keeping clean their machines, fire apparatus and houses, and for other expenses, and the financial officers of this city are hereby authorized to audit and pay the same, and draw the necessary warrants therefor.

The property of the city in engines, &c., not to be impaired.

§ 19. The fire engines, hook and ladder trucks, hose carts, hose, buckets, hooks and ladders, and other fire apparatus, and the houses and lands used therefor, are and shall be subject to the control and direction of the city, and nothing herein contained shall divest the city of its property therein, or in any manner impair its right at all times by the mayor or common council to take possession of the same or any portion thereof. All additions, ornaments and attachments, made to the house, engine, hose cart or hook and ladder truck of any company shall remain thereon unless authorized to be removed therefrom by the chief engineer of the district, in cases where it may be done without injury to the house, engine, hose cart or hook and ladder truck. Any person or persons taking off, or assisting in taking off any such additions, ornaments or attachments contrary to the provisions of this section, shall be liable to a penalty of fifty dollars.

ARTICLE II.

THE ALARM DISTRICTS.

Alarm districts in Western District.

SECTION 1. The western district is hereby subdivided into alarm districts as follows:

The first district is bounded by Montague street, Clinton street, Fulton street, Tillary street, Washington street, and East river to Montague street.

The second district by Montague street, Clinton street, Atlantic street, Court street, Gowanus bay, New York bay, and East river to Montague street.

The third district by Court street, Atlantic street, Smith

street, Fulton avenue, Flatbush avenue, Fifth avenue, Thirty-sixth street, and Gowanus bay to Court street.

The fourth district by Jay street, Fulton avenue, Flatbush avenue, Atlantic avenue, Clinton avenue, Flushing avenue, and a line drawn from the intersection of Flushing avenue and Navy street, to the intersection of Tillary and Jay streets.

The fifth district by Washington street, Tillary street, a line drawn from the intersection of Tillary and Jay streets, to the intersection of Navy street and Flushing avenue, the west boundary of the Navy Yard and East river, to Washington street.

The sixth district by Tillary street, Jay street, Smith street, Atlantic street, Clinton street, and Fulton street to Tillary street.

The seventh district by Clinton avenue, Atlantic avenue, Bedford avenue, De Kalb avenue, and Flushing avenue to Clinton avenue.

Alarm districts in Eastern District.

§ 2. The eastern district is hereby subdivided into alarm districts as follows:

The first district is bounded by East river, Newtown creek, Meeker avenue and a straight line to North 15th street, and Bushwick creek to East river.

The second district by East river, Bushwick creek, North 15th street, a line to Union avenue, Union avenue and Grand street to East river.

The third district by Union avenue and a line to North 15th street, North 15th street and a line to Meeker avenue, Meeker avenue, Newtown creek, Metropolitan avenue, Bushwick avenue and Grand street to Union avenue.

The fourth district by Grand street, Bushwick avenue, Metropolitan avenue, City line to Division avenue, Division avenue and Union avenue to Grand street.

The fifth district by East river, Grand street, Union avenue and Division avenue to East river.

The sixth district by Wallabout bay, East river, Division avenue, Flushing avenue and United States Hospital grounds to Wallabout bay.

Bells, how to be struck.

§ 3. The bell ringers shall, in case of fire within their respective districts, strike their bells so many times in regular succession as shall correspond with the number of the alarm district within which such fire shall occur; and shall continue to strike the same so many times at intervals until such fire shall be fully attended by the fire department.

ARTICLE III.

THE CHIEF ENGINEERS AND ASSISTANTS.

Chief engineers' office.

SECTION 1. The chief engineers shall keep an office in their respective districts for the transaction of business connected with the fire department. It shall be kept open daily except on the days when the other city offices shall be closed, between the hours of 10 A. M. and 12 M.

Duty during fires.

§ 2. They shall in all cases of fire, threatening damage or destruction of property within their district, take prompt and efficient measures, and use the means of the department to extinguish the same, and shall at such times and on occasions of alarm of fire, have sole and absolute control and command within their departmental district, subject to the mayor, over all the engines, hose, hose trucks, hooks and ladders and other apparatus, and all members of the fire department, and over all persons, other than policemen, aiding or assisting their department in cases of actual fire.

To direct the assistant engineers.

§ 3. They shall see that their assistant engineers in case of fire in their district take proper measures to arrange the several fire engines in the most advantageous manner, and cause them to be worked for the effectual extinguishment of fires, and also otherwise direct the assistant engineers as

they shall deem necessary and proper at such fires or alarms of fire.

To examine into condition of apparatus.

§ 4. They shall examine from time to time, and as often as necessary, into the condition of the fire engines, hose carts, trucks, hooks and ladders, hose and other apparatus and the houses in which they shall be kept, and report the condition thereof in the months of January and July in each year to the common council.

To investigate into causes of fire.

§ 5. They shall investigate the causes of all fires, damaging or destroying property in their district, and report the result in writing to the common council, twice a year, or oftener, if they shall deem the public interest requires it, or if they shall be directed to do so by the common council, stating such causes as far as they can be ascertained, and the number and description of the buildings and property damaged or destroyed.

To furnish schedule of property.

§ 6. They shall require from the foreman of each company, and each foreman shall furnish a schedule twice a year, and oftener if they deem it necessary, of all the property of the city connected with the fire department in charge of the company, and a statement of all injuries, other than ordinary wear and tear, which shall happen to, or losses of such property as soon as such injury or loss shall happen, with the causes thereof, and if malicious, the names of the persons concerned therein. They shall visit and inspect the houses of each company as often as practicable, and report promptly to the mayor all abuses in or of such houses, engines, or other property.

To report when repairs may be necessary.

§ 7. They shall, whenever any of the fire engines, hose carts, trucks, hooks and ladders, hose or other fire apparatus within their district, or houses within which they are contained, require to be repaired, report the same forthwith to the commissioner of repairs and supplies. They shall also report to such commissioner whenever any of the public cisterns require to be filled.

§ 8. They shall superintend the repairs of the fire engines, hooks and ladders, hose carts, trucks, hose and other fire apparatus of their district, and shall superintend the delivery of all engines, apparatus and other articles, to be received from the commissioner of repairs and supplies, for the use of any company within their district, and keep an account thereof with each company. They shall render a particular account half yearly to the comptroller, of all the repairs done, and articles furnished the department in their district, and in what manner, and to what companies the same have been disposed of. To superintend repairs, and delivery of articles.

§ 9. They shall promptly report to the mayor all disobedience of orders, and any incapacity, neglect of duty or gross misconduct of any company or companies within their district, or of any member thereof. The mayor shall in all cases, where in his opinion it shall be expedient, transmit such report to the common council. To report to mayor all neglect of duty.

ARTICLE IV.

FIRE WARDENS.

SECTION 1. The fire wardens shall inquire into all violations within their respective districts, of any law of the state or ordinance of the city, for the prevention or extinguishment of fires, or establishing or regulating the fire department, or establishing fire limits, or regulating the erection of buildings within such limits, or regulating the conveying or keeping of gunpowder, and cause such legal proceedings to be had, as shall promptly punish and prevent the continuance of the same. Fire wardens to inquire into all violations of fire laws.

§ 2. They shall organize in their respective districts as a board, and as such, meet twice in each week at least, for the transaction of business, on such regular days and hours, and at such regular place in their respective districts as they shall determine by resolution, to be filed To organize as a board.

with the city clerk; keep a record of all violations in their districts respectively, of the laws and ordinances mentioned in the last preceding section of this ordinance: and of all fires occurring in their respective districts, with the causes thereof, in books provided for that purpose, and annually in the month of December, report to the chief engineer of their district an abstract of such record for the year. They may by a resolution divide their respective districts, and assign one of their number to perform the examinations to be made by them under this ordinance: which resolution and assignment shall be filed with the city clerk.

May subdivide their districts.

§ 3. They shall twice in each year, viz: in the months of June and December, and as much oftener as they may think proper, examine the dwelling houses and other buildings in their respective districts, for the purpose of ascertaining all violations of any laws and ordinances for the more effectual prevention of fires, and also inspect the fire places, hearths, chimneys, stoves and pipes thereto, ovens, boilers, heaters, and all chemical apparatus, which in their opinion may be dangerous in causing or promoting fire, and also the places where ashes may be deposited: and it shall be lawful for them to enter into or upon any lands or buildings for the purpose of such inspection; and it shall be their duty upon finding anything defective or dangerous, to direct the owner or occupant, by a written or printed notice, to alter, remove, or amend the same in such a manner and within such reasonable time as they, or either of them, may deem necessary; and in case of any neglect or refusal to do so, the party offending shall forfeit and pay twenty-five dollars, and for every twenty-four hours after the time allotted aforesaid to alter, remove, or amend the same in conformity with the directions aforesaid, the party or parties offending shall forfeit and pay the further sum of five dollars.

§ 4. They shall inspect, and it shall be lawful for them for such inspection to enter into or upon all buildings, livery or other stables, boats or vessels, and places where any gunpowder, saltpetre, hemp, flax, tow, hay, rushes, firewood, boards, shingles, shavings, or other combustible materials may be lodged, and they shall give such directions in writing in the premises as may be deemed necessary by them or either of them, relative to the removal thereof, and in case of the neglect or refusal on the part of the possessor of such combustible materials or either of them, to remove or secure the same within such time and in the manner directed by the said fire wardens or either of them, the party offending shall forfeit and pay twenty-five dollars, and the further sum of five dollars for every twenty-four hours neglect to remove or secure the same after being so notified. To make half-yearly examinations.

Adopted in common council, March 16, 1857.

Approved by the mayor, March 23, 1857.

CHAPTER IV.

AN ORDINANCE IN RELATION TO CERTAIN EVIL PRACTICES, AND THE PROTECTION OF PERSONS AND PROPERTY FROM FIRE, GUNPOWDER, ANIMALS, OBSTRUCTIONS IN THE STREETS, AND OTHER CAUSES.

The Common Council of the City of Brooklyn do ordain as follows:

ARTICLE I.

GENERAL PROVISION.

SECTION 1. The provisions of this ordinance shall apply to the city of Brooklyn, and every part thereof, except in cases where otherwise expressed, and the penalty for Penalties for violating this ordinance.

violating any of them shall be ten dollars for each offence, except in cases where a different penalty is by this ordinance imposed for any violation thereof, and every person violating any such provision shall be liable to such penalty for each offence respectively.

ARTICLE II.

PRACTICES AGAINST PUBLIC MORALS.

Public bathing.

SECTION 1. No person shall swim or bathe in the waters of or bounding the city, by day; or in such waters within two hundred feet of any ferry or other public landing place or bridge, at any time, without being clothed so as to prevent any indecent exposure of the body.

Common shows.

§ 2. No person shall exhibit, or cause or permit to be exhibited, any circus performance, show of living animals, rope dancing, puppet show, or other common show, without a permit from the mayor and aldermen of the ward within which the same shall be exhibited, under the penalty of twenty-five dollars.

Gambling houses and fighting exhibitions.

§ 3. No person or persons shall set up, keep, or maintain, or permit to be set up, kept, or maintained, in any house or premises occupied by him, any faro table, faro bank, roulette, or other device or game of chance, hazard, or address for the purpose of gaming, or any boxing-ring, cockpit, or other place for the exhibition of animals in fight, under the penalty of one hundred dollars for each offence; and it shall be the duty of the police, and they are hereby authorized, to enter upon any premises where any instruments or devices employed in gaming shall be used contrary to this ordinance, and to carry away and destroy the same. But this section shall not, nor shall the following section, be construed to apply to bowls and billiards.

Gambling.

§ 4. No person shall deal, play, or engage in faro, roulette or other device or game of chance, hazard, or address,

either as banker, player, dealer, or otherwise, for the purpose of gaming.

§ 5. No person shall erect, set up, keep or maintain, or permit to be set up, kept or maintained, in any house or premises occupied by him, any bowling alley, ball alley, or billiard table, for public use, unless he shall first obtain a license from the mayor therefor; and the mayor is hereby authorized to grant such licenses from time to time, with such limitations, restrictions and conditions as he may deem proper, to expire on the first day of May thereafter, and to revoke the same at pleasure; and there shall be paid for every such license the sum of three dollars for each and every alley or table. Bowls and billiards.

ARTICLE III.

ANIMALS RUNNING AT LARGE.

SECTION 1. No person owning or having charge of any cattle, horses, sheep, swine, geese, goats, or other brute animals, shall permit them, or any of them, to run at large in any street, road, lane, alley, or public square or park, under the penalty of five dollars for each of such cattle, horses, sheep, swine, geese, or goats so running at large; and any such cattle, horses, sheep, swine, geese, or goats, so running at large, may be driven by any person, and it shall be the duty of the police to cause them to be driven, to the nearest public pound; and it shall thereupon be the duty of the master of such pound, and he is hereby authorized, to sell the same at such pound at public auction, to the highest bidder, within five days thereafter, upon three days' notice in writing, to be affixed to the outside door, or gate, or show board, of such pound, and of the city hall, unless the owner shall previously redeem the same by paying him the reasonable expense of driving them to the pound, not exceeding fifty cents each animal, and the Animals running at large to be impounded and sold.

amount of his fees for keeping and feeding the same, at the rate of fifty cents for each animal or goose for every twenty-four hours, or fractional part thereof over twenty-four hours, and out of the proceeds of such sale to pay the penalty incurred for violation of this section, as hereinbefore provided, the reasonable expense for driving them to the pound, and the expense of keeping and feeding the same at the rates above mentioned, and of selling the same at the rate of fifty cents for each one sold; and to pay over the balance, for the benefit of the owner, to the mayor, with an account showing by whom and when they were driven to the pound, when sold, and the amount of sales monthly.

ARTICLE IV.

PROTECTION FROM FIRE.

Lights in stables

SECTION 1. No person shall take or use in any barn or stable within the fire district any lighted candle, oil or fluid lamp, or any burning light, of any kind whatsoever, unless the same be inclosed and secured in a good glass, horn, or other lantern.

Discharging firearms and fireworks.

§ 2. No person shall fire or discharge any cannon, gun, pistol, fowling piece, or firearms of any description, or explode or set off any rocket, squib, torpedos, cracker, or combustible fireworks of any description, within the fire district; provided that nothing in this section contained shall be construed to extend to any military parade, exercise or review, or to any fireworks exhibited by order of the common council, or by any exhibitor who shall be authorized by a permit from the mayor to exhibit the same for public amusement, or to any act on the Fourth day of July not done wilfully to frighten or injure any person, or horse, or to injure or destroy the property of any person.

Keeping fireworks.

§ 3. No person shall have or keep at any one time in any building within the fire district, for the purpose of

sale, or otherwise without a permit in writing from the mayor, combustible fireworks of any description, weighing in the aggregate more than twenty-five pounds.

Bonfires and burning of rubbish in streets.

§ 4. No person shall build any bonfire or other fire in any street, avenue, road, lane, or public ground within the fire district, without a permit first obtained from the captain or assistant captain of police of the district, who may, in such cases only as may be proper, for the destruction of any straw or other rubbish, and where the same can be done without damage to property or annoyance to the public, give permits for the same to be done after the dusk of the day, and at least twenty-five feet from any building.

Chimney fires.

§ 5. No person shall permit any chimney, stove pipe or flue on any building occupied or possessed by him within the fire district, to take fire.

Ashes.

§ 6. No person shall, within the fire district, deposit ashes on the wooden floor of any building, or in any barrel, box, or other wooden vessel standing on any such floor, or place any such barrel, box, or other vessel, containing ashes, upon any such floor.

Keeping hay, straw, &c.

§ 7. No person shall within the fire district have, put or keep, any hay or straw uncovered in any stack or pile, or in any other way exposed, within one hundred yards of any building; or have, put or keep any hay, straw, hemp, flax, shavings, or rushes, in any building not of stone or brick, and covered with tile, slate, tin or other fire-proof material, within ten feet of any dwelling house or chimney, under the penalty of twenty-five dollars, and the further penalty of five dollars for every twenty-four hours the same shall so remain, after notice from any fire warden to remove the same.

ARTICLE V.

KEEPING AND CONVEYING GUNPOWDER.

Keeping gunpowder in buildings.

SECTION 1. No person shall have, keep or cause to be kept, or allow to be kept, in any store, storehouse, manufactory or other building, any quantity of gunpowder exceeding twenty-five pounds in weight, or shall keep any gunpowder whatever in any building, except in tin canisters, at all times kept securely closed, under pain of forfeiture of the gunpowder and a penalty of fifty dollars for each offence.

Carrying the same in the streets.

§ 2. No person shall carry, or cause to be carried, any gunpowder through any street, lane or alley, in any cart, wagon or other mode of conveyance, unless the same be secured in tight casks, kegs or cases, well headed and hooped, and said casks, kegs or cases, be put into and entirely covered with a bag or case sufficient to prevent any of said gunpowder from being spilled or scattered, under pain or forfeiture of the gunpowder and a penalty of fifty dollars for every offence.

Gunpowder on board of vessels.

§ 3. No ship, barque, brig, lighter, or other vessel, containing any quantity of gunpowder over and above twenty-five pounds, shall make fast to any pier, wharf or bulkhead, or anchor within the jurisdiction of this city, under pain of the forfeiture of all gunpowder found on board, and a penalty of fifty dollars, to be recovered from the owner or captain of the vessel.

Damages from explosions.

§ 4. In case of an explosion, caused by a larger quantity of gunpowder than twenty-five pounds, kept in any building or vessel whatever, contrary to the above sections of this article, the occupant or occupants of any such building, and the captain, owner or owners, respectively, of any such vessel as aforesaid, shall forfeit and pay a penalty of one thousand dollars.

Seizure in certain cases.

§ 5. All gunpowder which shall be found in any store,

storehouse, manufactory or other building, or which may be found in any cart, wagon, or other vehicle, as aforesaid, or on board any brig, barque, ship or other vessel which shall make fast to any pier, wharf or bulkhead in the city of Brooklyn, or anchor within the jurisdiction of this city in violation of any provision of this ordinance, shall be immediately seized by the fire wardens, or one of them, and removed to some secure place; and it is hereby made the duty of the police and all constables to assist in said seizure when called upon.

Navy Yard exempted.

§ 6. Nothing in this ordinance contained shall in any way apply to any gunpowder which may be stored in the United States Navy Yard, or which may be on board of any vessel inclosed within or under the jurisdiction of the officers of the said United States Navy Yard.

ARTICLE VI.

OBSTRUCTIONS IN THE STREETS.

Obstructions in streets.

SECTION 1. No person shall obstruct or encumber any public wharf, street or other public place, with any article or thing whatsoever; and any obstruction or incumbrance on such wharf, street or public place, shall be removed therefrom by the police, under such directions as shall be given by the street commissioner or mayor, or by such other person as the street commissioner or mayor shall direct or employ. But this section shall not be construed to prevent or to authorize the removal of any obstruction or incumbrance in this ordinance or other ordinances, or by any resolution of the common council permitted or necessary in the regulating, paving or repairing any street, or for doing any public work, provided the regulations and conditions in such ordinances, resolutions and contracts, giving such permission, or prescribing the mode of regulating, paving or repairing of such street, or of doing such

public work, be fully observed; nor shall this section be construed to prevent the moving or removing any article in the way of trade or business, or for the use of any family from or to any house, or for the erecting or repairing any house, or other work, on the adjoining land, provided the same be so moved or removed without any unnecessary delay, and so as to leave a passage both on the sidewalks for foot travellers, and on the carrigeway for vehicles to pass and repass; or be construed to prevent the loading or unloading passengers from any public or private conveyance, or of vehicles waiting a reasonable time for such purpose.

Projections from buildings.

§ 2. No person shall construct any bow window or other window, which shall extend into any street more than one foot from the wall of any house or other building, or shall construct any cellar door which shall extend into the street more than one-twelfth part of the width of such street, or more than five feet; or shall construct any porch which shall project in any street over a cellar door, or shall construct any platform, stoop, or step, which shall extend into any street more than one-tenth part of the width of such street, or more than seven feet, or with any other than open backs, sides, or railings, or of greater width than is necessary for the purpose of a convenient passage way into the house or building to which it shall be attached, or any stoop or steps which shall exceed five feet in height; or shall dig, build, or construct any area into the street, in front of any building, which shall extend more than one fifteenth part of the width of any street, or more than five feet, or which shall not be provided with a sufficient railing on the top thereof, to protect travellers from falling therein, placed not more than six inches from the inside of the coping on the wall of such area, and with no gates opening outward, under the penalty of two hundred and fifty dollars for each and every offence.

§ 3. No person shall erect or put up in any street, any post, awning-post or railing, or any cloth or canvass for an awning, except tie-posts and awning-posts, which may be erected or inserted, provided the same be painted and modeled as may be directed, from time to time, by the mayor, and be placed only next to and inside of the curb stone, and provided such awning-posts shall be at least seven feet high above the sidewalk, and except cloth or canvass awnings for posts put up as herein provided, and except cloth and canvass awnings projected from any building where the same shall not project into the street beyond the distance in this article allowed for the projection of platforms or steps, into such street; or shall permit such cloth or canvass awning to hang loosely down over the sidewalk; or shall hang or place in any street any goods, wares or merchandise, or any article whatever, at any greater distance than twelve inches in front of the house or store occupied by him; or shall raise, or hoist, or permit or suffer to be raised or hoisted, from any street into any building, loft, store or room, or lower, or permit, or suffer to be lowered, from any building, loft, store or room, into any street, any cask, bale, bundle, box, crate, or any goods, wares, merchandise, boards, planks, joists, timber or article whatever, by means of any rope, pulley, tackle or windlass; or shall plant any tree in any street, except next to and inside of the curb or curb line of such street, under the penalty of twenty-five dollars for each offence. Posts.

§ 4. No person shall cause or procure any vault or cistern to be constructed or made in any street or avenue without a permit from the street commissioner, and paying the sum of ten cents per superficial foot for the use of the city, or shall cause the same to be extended further than one-fourth of the width of the street beyond the line of the street adjoining his property; or to be built otherwise than of brick or stone, and arched on top, and well secured, Vaults and cisterns.

or unless a lighted lamp or lantern be placed and kept during the night time, at a suitable spot, sufficient to warn passers-by of the opening, while in process of construction; or shall cause any aperture or opening from the street to such vault to be made, unless the same be made within two feet of the curb of the sidewalk, or within two feet of the coping of the area or railing in front of the house to which such vault shall belong; or unless such aperture or opening be provided with a strong close cover, or with an iron grate, the bars of which shall be three-fourths of an inch wide and one-half of an inch thick, and not more than three-fourths of an inch apart; or shall cause or procure any slide or chute opening in any street to be built, unless the same be securely covered with stone, or arched with brick, and its aperture or opening into the street be made within the same limits, and covered with a close cover or grate, as above provided for the apertures and opening to vaults, under the penalty of fifty dollars for each offence.

Ashes and rubbish.

§ 5. No person shall throw, lay, place, or cast any dirt, ashes, filth, dross, cinders, or rubbish of any kind, or any shells of oysters, clams or other fish, or any offals, vegetables or garbage, or any filthy waters or liquid, in any street, avenue, alley, or public square, except, however, that ashes and garbage may be placed on the outer edge of the sidewalk, in tight vessels, so as not to run or drop upon such street, avenue, lane, or public square, and in vessels of such dimensions as may be conveniently delivered to and handled by the ash and garbage cartmen, provided the same be so placed in such vessels, and permitted to remain therein on such sidewalk, only on the days and during the hours designated by the aldermen of the ward for the removal of ashes and garbage by the contractor for cleaning any such street or avenue; and provided such vessels be removed from such sidewalk within one hour after the same shall have been emptied by the ash and garbage cartman.

§ 6. No person shall turn over, throw down, upset or break any vessel containing ashes or garbage and placed on the sidewalk for the purpose of being emptied by the ash and garbage cartmen, so as to spill or throw the contents thereof upon the street, or shall in any way spill or throw the contents thereof upon the street. Ash vessels.

§ 7. No person owning, building, or repairing any house or other building, shall cast, throw or place, or permit or suffer to be cast, thrown or placed into the street or avenue adjoining the same, any earth, stone, sand or clay, which may be dug from any cellar, area, vault or yard, of such house or building, or any rubbish or shavings from such house or building, except that any such earth, stone, sand or clay, may be thrown upon the sidewalk after sunrise, provided that the same be immediately removed, and be not left there after sunset of the same day; and provided further that the street commissioner may, in any case which he may deem proper, forbid, in writing, the same to be done; and thereupon the same shall not be done in such case. Earth from cellars.

§ 8. No person shall permit any snow or ice to remain on the sidewalk and gutter in front of any house, building or lot, occupied by him, or of any unoccupied house, building or lot, owned by him, more than four hours after the fall thereof; or any dirt or rubbish to remain thereon, more than four hours after notice thereof from the police. Snow and ice.

§ 9. No person shall throw, place or pile, or assist in throwing, placing or piling any snow, ice or other impediment or obstruction to the running of the cars of the Brooklyn city railroad company upon the tracks of the said company, or in the space between the rails thereof, or in the space between the tracks and a line distant three feet outside of such rails. On railroad tracks.

§ 10. No person shall place, or cause or permit to be Vehicles.

placed or left any cart, sleigh, wagon, carriage or vehicle, of any kind, not in use, in any street, avenue or public ground; and the police are hereby directed to cause the same to be removed therefrom.

Horses and carriages on sidewalks.

§ 11. No person shall drive, back or lead any horse or cart or wheel carriage on the footpath or sidewalk of any street or avenue.

Buildings through the streets.

§ 12. No person shall remove, or cause, or permit to be removed, or shall aid or assist in removing any building into, along or across any street, lane, alley, or public place, without permission of the common council, under the penalty of two hundred and fifty dollars for each offence.

Obstructions to be removed from the streets.

§ 13. The street commissioner is hereby authorized and directed to take out, remove, and abate, or cause to be taken out, removed and abated, any stoop, step, platform, bay-window, cellar-door, area, descent into a cellar or basement, sign, post, tree erection, and any projection from any building or otherwise, and any house or building, and any vault, cistern, slide or chute in, over or upon any street or avenue, and any snow, ice, or rubbish upon any sidewalk or gutter, contrary to the provisions of this article, and the expense thereof shall be recoverable of the owner or occupant of the premises appertaining to the same respectively.

ARTICLE VII.

MISCELLANEOUS PRACTICES.

Injuring trees.

SECTION 1. No person except the owner, shall cut down, destroy, break or any way injure any tree or shrub standing in any street, avenue or public place, unless by direction of the common council, or by the street commissioner for the purpose of regulating such street.

Obstructing gutters or sewers.

§ 2. No person shall stop or obstruct the passage of the water of any street, gutter, or public sewer, culvert, or water-pipe, pump or hydrant laid or placed by the city.

Screening ashes.

§ 3. No person shall sift or screen any ashes, lime, dirt or sand, or shake any carpet in any street, avenue, or public ground, or permit, suffer, or employ the same to be done.

Lighting public lamps.

§ 4. No person shall light any public lamp or extinguish the light of any public lamp, without having been lawfully appointed for such purpose.

Washing of carriages.

§ 5. No person shall wash, or cause to be washed any cart, carriage or other vehicle, in any street, avenue, or public place.

Wells and pumps, lamps and cisterns, not to be damaged.

§ 6. No person shall damage or any way deface or injure any public well, pump, hydrant or cistern; or shall break the glass of any such lamp; or shall take down or carry away any such lamp hung or fixed in any street, avenue, or public grounds; or shall injure or damage any fixtures of such lamp or public lamp-post; or shall tie, hitch, or make fast any horse or other animal to any such lamp-post or pump; or shall drive any cart, wagon, carriage or other vehicle against any such lamp or pump; or shall take or use the water from any public cistern except for the purpose of extinguishing fire; or shall throw any substance or article into any public well, or shall cut, mark, injure or deface the city hall, or any public building or market house belonging to the city, or any station house or engine house, or any sewer, railing or gate inclosing any square or public park; or cut, break, or injure any tree, grass or shrub or walk in any square, or public park; or shall cut, break, or injure any water pipe or hydrant laid or placed by the city.

Horses drinking from pumps.

§ 7. No person shall suffer or permit any horse or other animal to drink from a pail or other vessel while the same is suspended from or attached to the spout or other part of any public pump or hydrant in any street or public grounds.

Kite flying.

§ 8. No person shall raise or fly or attempt to raise or fly any kite in any street or avenue.

Horse racing and fast driving.

§ 9. No person shall engage in horse racing, or ride or drive any horse in any street, avenue or road with greater speed than at the rate of five miles an hour; and any person violating this provision shall be stopped by the police.

Horses without a driver.

§ 10. No person shall at the same time drive, lead, or direct more than one team or vehicle, or suffer or permit any horse or horses, or other animal or animals attached to any carriage, cart, wagon, sledge, truck or other vehicle to go without a driver in any street, avenue or road, or to stand in any street, avenue or road without a person in charge, or without being secured to a tying post.

Rock-blasting.

§ 11. No person shall blow or blast, or permit to be blown or blasted any rock at any time between the hours of six o'clock in the forenoon and seven o'clock in the afternoon of any day between the first day of May and the first day of September in any year, or between the hours of eight o'clock in the forenoon and five o'clock in the afternoon of any day between the first day of September and the first day of May in any year.

Throwing stones.

§ 12. No person shall throw or cast any stone or other missile in, from or to any street, avenue, lane, public place or uninclosed ground.

Removing vault covers.

§ 13. No person shall remove or insecurely fix, or cause, or procure, or suffer, or permit to be removed, or to be insecurely fixed so that the same can be moved in its bed, any grate or covering to the opening or aperture of any vault or chute under any street or avenue; but nothing herein contained shall prevent the owner or occupant of the building with which such shall be connected from removing such grate or covering for the proper purpose of such vault or chute, provided he inclose such opening or aperture and keep the same inclosed, while such

grate or covering shall be removed, with a strong box or kerb at least twelve inches high, firmly and securely made, and further provided that he shall not remove such grate or covering until after sunrise of any day, and shall replace such grate or covering before one half hour after sunset.

False alarms of fire.

§ 14. No person shall raise or assist in raising a false alarm of fire; or shall make a cry of fire without any apparent cause therefor, for the purpose of an alarm, or shall, unless he be a duly appointed bell ringer, ring any bell for the purpose of raising an alarm of fire, except in case of fire.

Assembling in engine houses.

§ 15. No person unless a fireman, policeman or public officer, shall enter or assemble with any other person or persons, in any engine house belonging to the city, at any time or times, without the permission of the foreman of the company.

Runners with fire engines.

§ 16. No person other than a fireman or person of the age of eighteen years, shall drag, or run with, or assist in dragging any fire engine, hook and ladder cart or hose cart.

Personating firemen.

§ 17. No one shall personate a fireman or officer of the fire department at a fire or going to or returning from a fire, or when on duty otherwise, by wearing a cap or carrying a trumpet or otherwise.

Adopted in common council, February 11th, 1857.

Approved by the mayor, February 13th, 1857.

CHAPTER V.

AN ORDINANCE FOR THE PRESERVATION OF THE PUBLIC HEALTH.

The Common Council of the City of Brooklyn do ordain as follows:

ARTICLE I.

THE HEALTH DEPARTMENT.

A health department established.

SECTION 1. There is hereby established a health department, to consist of the health officer and such clerk or clerks as the common council shall deem it expedient to appoint.

Office.

§ 2. The health officer shall keep an office, open daily, between the hours of 9 A. M. and 3 P. M., in the city hall, for the business of the health department.

ARTICLE II.

GENERAL PROVISIONS.

Penalties, how applied.

SECTION 1. The penalties imposed by this ordinance shall, when collected, be paid into the city treasury and placed to the credit of a separate and distinct fund, to be called the health department fund; the moneys in which are hereby appropriated for the purpose of this ordinance and for the expenses of the health department.

Extent of this ordinance.

§ 2. The provisions of this ordinance shall, except where otherwise herein especially mentioned, apply to the whole of the city of Brooklyn and every portion thereof.

Penalties.

§ 3. Every person violating any provision of this ordinance shall, where no other penalty is mentioned for such

violation, be liable to a penalty of twenty-five dollars for every offence.

ARTICLE III.

ANNUAL SANITARY SURVEY AND INSPECTION.

Annual inspection.

SECTION 1. There shall be annually made, at such time between the months of November and March as the health officer shall designate, a survey and inspection for the purpose of ascertaining the sanitary condition of all the streets, lots of land, yards and buildings within the city, and the owners' names and residences, the location of the lots and buildings, and the uses to which they are applied, and it shall be the duty of the captains of the several police districts to detail for that purpose, so as not to interfere with the night duty of the police, so many of the policemen as shall be necessary to perform such inspection effectually, and to report the same within thirty days after the requirement of the health officer for that purpose approved by the mayor. The chief of police is charged with the general superintendence of this duty, by the members of his department as herein directed. Blanks in a suitable form to be devised by the health officer, shall be furnished by the health officer, or by the commissioner of repairs and supplies upon the requisition of the health officer approved by the mayor, to the said captains, who shall file the reports with the health officer within the said thirty days.

Nuisances in streets, how abated.

§ 2. If upon such survey and inspection, or in any case, any street shall be reported to the health officer to be in a filthy condition, it shall be the duty of the health officer immediately to visit the same, and if in his opinion its correction or abatement be necessary for the public health, he shall report the same to the aldermen of the ward, who shall cause the same to be done, and the expenses thereof shall be charged to the account of the ward for cleaning the streets.

Nuisance in privy, building or lot, how abated.

§ 3. If upon such survey and inspection, or in any case, any privy, sink or cesspool, shall be reported to the health officer in a condition requiring, in the opinion of the health officer, for the public health, its contents to be removed, or any lot, yard or cellar, or other portion of any building, requiring to be cleansed, it shall be the duty of the health officer to prepare a notice to be served upon the owner of any such privy, sink, cesspool, yard or building, personally, if he be a resident of the city of Brooklyn, and not absent therefrom, then upon any occupant of the premises personally, or if there be no occupant, then by affixing such notice to the outer door of such building, or in some other conspicuous part of the premises, requiring the owner or occupant to remove the contents of such privy, sink or cesspool, or to cleanse such yard, cellar, or building, within ten days after the service of such notice.

Second inspection thereof.

§ 4. Such notice shall be delivered to the captain of police of the district, who shall cause the same to be served by the policeman making the report, and the time and manner of service to be communicated to the health officer, certified in writing by such policeman, and a further inspection to be made at the expiration of the said ten days by the said policeman, whether the requirements of such notice have been complied with, and the results of such further inspection reported in writing to the health officer within five days after the expiration of the said ten days.

Penalty upon owner or occupant.

§ 5. Any owner and any occupant of the premises aforesaid, if the owner be a non-resident of the said city, failing to comply with the requirements of such notice, shall be liable to a penalty of one hundred dollars, provided, nevertheless, that if any owner or occupant shall before judgment rendered, pay the expenses in the next section mentioned, together with all costs and charges of the suit instituted for such penalty, such suit shall be discontinued.

Health officer to abate the same.

§ 6. If any owner or occupant as aforesaid shall fail to comply with the requirements of such notice, it shall be the duty of the health officer to cause the same to be done, and the expenses thereof shall be paid out of the health department fund; and for that purpose the financial officers of the city are authorized, upon the order of the said health officer, to audit and pay the same, and to draw the necessary warrants for that purpose.

Nuisances in tenements.

§ 7. If upon such survey and inspection, or in any case, any tenement shall be reported as containing in the opinion of the health officer an undue number of inmates, or to be otherwise dangerous to the health of the city, it shall be his duty to visit the same, and if in his opinion such report be well founded, he shall communicate the facts to the mayor, who shall thereupon convene the board of health for its action in relation thereto.

Nuisances on lots.

§ 8. If upon such survey and inspection any lot or lots of land shall be reported as dangerous to public health, it shall be the duty of the health officer to visit the same, and if in his opinion such be the case, and can only be remedied by draining or filling up such lot or lots of land, he shall communicate the facts, with his opinion, to the common council for its action in relation thereto.

Police and other officers may enter premises.

§ 9. It shall be lawful for the mayor, health officer, aldermen of the ward, members of the police department, and all persons employed by the health officer under the provisions of this ordinance, to enter into and upon any land, tenement, building or other premises for any of the purposes of this ordinance, and any person preventing, obstructing or resisting any officer hereinbefore named, or person employed by the health officer, in entering into or upon any land, tenement, building or other premises, for the purposes of this ordinance, or in doing any act required of such officer by this ordinance, or by said health officer,

in pursuance of this ordinance, shall be liable to a penalty of one hundred dollars for each and every offence.

ARTICLE IV.

CERTAIN OFFENCES AGAINST THE PUBLIC HEALTH.

Contents of privies not to be removed without disinfection.

SECTION 1. No person shall permit to be removed from any premises, of which he is the owner or occupant, and no person shall remove the contents of any privy, sink or cesspool, upon or over any street, lane or public place, unless the same have been previously disinfected, and rendered inodorous and inoffensive.

Sinks and privies, how to be constructed.

§ 2. No sink, privy or cesspool, shall hereafter be constructed or made within the limits of the lamp and fire districts, unless the same shall be constructed of brick or stone, and be at least ten feet in depth from the surface of the ground when such depth is practicable, under the penalty of fifty dollars, to be recovered from the owner and builder of the same, severally and respectively.

Not to be constructed within thirty feet of any pump.

§ 3. No privy, sink or cesspool shall hereafter be made or constructed within thirty feet of any public well or pump, under the penalty of one hundred dollars, to be paid by the owner and builder thereof severally and respectively.

Nor within two feet of adjoining lot.

§ 4. No person shall dig any sink or cesspool, or build or erect any privy, without leaving at least two feet of solid earth or solid mason work, laid in mortar or cement, to be measured from the interior line of said sink, cesspool or privy, horizontally between such sink, cesspool or privy and the adjoining lot, under the penalty of twenty-five dollars, to be paid by the owner and builder thereof, severally and respectively.

Contents not to be drawn off into any hole.

§ 5. No person shall cover over, and no owner shall permit to be covered over, any sink or privy that may be full

or partly full, or draw off or permit to be drawn off the contents thereof into any hole or place dug or made to receive the same.

Nor to be permitted to rise within two feet of the top.

§ 6. The owner or occupant of any house, store, building or premises, to which any sink, privy or cesspool shall belong or appertain, shall not permit the contents thereof to rise within two feet of the surface of the earth.

Nor to be emptied during certain months.

§ 7. The owner or occupant of any house, lot or premises within the limits in the second section of this article mentioned, shall not empty or remove, or cause, or suffer, or permit to be emptied or removed, the contents of any sink, privy or cesspool between the first day of May and the last day of September, in any year, without the written permission of the health officer obtained for that purpose.

Nor during certain hours of the day.

§ 8. The owner or occupant of any house, lot or premises within the limits in the second section of this article mentioned, shall not cause, or suffer or permit the contents of any sink or privy to be removed, except between the hours of eleven o'clock in the evening and three o'clock in the morning, between the first day of May and the last day of September in any year, and between the hours of ten o'clock in the evening and six o'clock in the morning during the remainder of the year.

Not to be allowed to run upon the street.

§ 9. No person shall cast, lay, or suffer to run, in or upon any street, lane, alley, lot or vacant place within the limits in the second section of this article mentioned, the contents of any sink, tub or cesspool.

No garbage or dead animal to be thrown into.

§ 10. No person shall throw or deposit, or cause or suffer to be thrown or deposited, in any sink, privy or cesspool, any vegetable substance or garbage, or offals of fish or poultry, or any dead animal.

Slaughter houses prohibited.

§ 11. No slaughter house shall be hereafter erected, located or carried on, unless the same be at least four hun-

dred and fifty feet distant from any paved street and occupied building, under the penalty of one hundred dollars for each offence, and also of twenty-five dollars for each day that the same shall be carried on.

Water-tight vehicles for removing contents of privies.

§ 12. No person shall carry in or through any street, lane or public place, any part of the contents of any privy, sink or cesspool, in any cart, wagon or any other vehicle or vessel, unless the same shall be effectually covered and water tight, or at any time whatever except between the hours of eleven o'clock in the evening and three o'clock in the morning, between the first day of May and the last day of September; and between the hours of ten o'clock in the evening and six o'clock in the morning, during the remainder of the year.

Contents not to be thrown from docks.

§ 13. No night scavenger or other person shall dump or throw any night soil or other offensive substance from any wharf or dock, or into the river or any canal, without a permit in writing from the mayor.

Filth not to be thrown in streets.

§ 14. No offal, vegetables, garbage, ashes, cinders, dross, rubbish, or filth of any kind, or the carcass of any animal, shall at any time be cast or laid in any street, lane, alley or public wharf or place, or in the water adjoining, under a penalty of five dollars for each offence, to be paid by the occupant of the house from which the same shall be cast, and the persons so casting or laying the same, severally and respectively.

Unwholesome provisions not to be sold.

§ 15. No person shall sell or offer or expose for sale any unwholesome or stale article of provisions, meat, fish, fruit or vegetables, or any flesh of any animal dead by accident or disease, or known or suspected to be diseased at the killing of the same, or any meagre or back shad.

Nor meats.

§ 16. No person shall bring into any public or private market, or offer or expose for sale anywhere, any blown, plaited, raised or stuffed meat, or between the first day of

May and the first of November, in any year, bring into any market any untried fat, commonly called gut fat, or at any time or season the head of any sheep or lamb, unless the same shall be skinned and properly cleaned, or any sheep or lamb in carcass, or quarter, with any foot or trotters thereto, or any skin or hides, except calf skins.

Meats not to be dressed in markets.

§ 17. No person or persons shall kill or dress any flesh meat of any description in any market.

Refrigerators in markets.

§ 18. No butcher or other person shall have or keep in any of the markets any refrigerator, or icebox, or cask, containing ice or pickle, unless the same be placed within the limits and in rear of his stall or stand, and be lined with lead or some other metallic substance, so as to be water tight, and provided with a pipe of lead, zinc or copper, leading therefrom to the nearest gutter.

Keeping goats.

§ 19. No person shall have or keep upon any premises owned or occupied, in whole or in part, by him, within the city, any swine or goats, without the permission of the mayor, renewable annually, registered in the health office, under the penalty of ten dollars for each swine or goat had or kept by him or her upon said premises.

Keeping cows.

[§ 20. No person shall have or keep, or permit to be kept, between the first day of May and the first day of November, in any year, on any premises owned or occupied in whole or in part by him or them, within the city, more than three cows in any stable or other inclosure, or upon any lot of land of not more than twenty-five hundred square feet in superficial extent, or more than four cows upon any lot of not more than half an acre in size, or more than twelve cows upon any lot of larger size, under the penalty of ten dollars for each cow above the number hereby permitted for each stable, inclosure, or lot respectively, for each day such additional number shall be so kept, provided, that nothing herein contained shall

affect the keeping of more cows than herein provided by the owners of distilleries now in operation in stables now built and occupied as cow stables, or by milkmen employed in the milk business; and further provided, that the provisions of this section shall not apply to the eighth, ninth, and eighteenth wards.*]

Dogs not to go at large.

§ 21. No dog shall be suffered to go at large in the city between the first day of May and the first day of October, unless properly muzzled, under the penalty of ten dollars for each offence, to be paid by the owner or possessor of such dog.

May be killed.

§ 22. Every dog so found at large, contrary to the provisions of the last section, shall be liable to be seized and killed by any person or persons, who are hereby authorized to destroy such dog.

Unwholesome manufactories not to be erected.

§ 23. It shall not be lawful for any person hereafter to erect or establish within the city of Brooklyn any manufactory for boiling oil or varnish, or any distillery for the purpose of manufacturing ardent or alcoholic spirits, or any manufactory for chemical works, in which shall be generated any smoke, vapor or gas, offensive to the senses or injurious to the health of persons within the neighborhood, or any manufactory, mill or other establishment for the grinding of bones or boiling the flesh therefrom, or otherwise for converting the same into manure; or any manufactory or establishment for the purpose of making or generating spirits of turpentine, coal, tar or lampblack, in which manufactory bituminous coal, refuse of the turpentine, or any other material producing a dense smoke, shall be used for fuel; or any manufactory or business

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* As amended in Common Council, February 11, 1857, and February 23, 1857, and approved by the mayor, Feb. 14, 1857, and Feb. 27, 1857.

offensive or unwholesome to the public, under the penalty of five hundred dollars.

§ 24. No person shall carry on any business or manufacture in the preceding section mentioned, within the limits therein mentioned, under the penalty of one hundred dollars for each day he shall carry on the same. The business prohibited.

ARTICLE V.

OF BURIALS, CONVEYING DEAD THROUGH THE STREETS, AND BILLS OF MORTALITY.

SECTION 1. No interment of the dead body of any human being shall be made or permitted within the city. Interments within the city prohibited.

§ 2. Any sexton or other person having charge of any vault, cemetery or other burying ground, or any other person who shall inter, or permit to be interred, or assist in interring any such dead body within the city, except in cemeteries established by law, shall be liable to a penalty of one hundred dollars for each offence. Penalty.

§ 3. No person shall remove, disturb or expose any other dead body or coffin while making a grave or interring a dead body, under the penalty of one hundred dollars for each offence. Bodies of the dead or coffins not to be exposed

§ 4. No person shall remove, or assist in removing from the city, the dead body of any human being, without a permit in writing for that purpose from the health officer, under the penalty of one hundred dollars. Bodies of the dead not to be taken from the city.

§ 5. No person shall bury or inter, or assist in burying or interring, the dead body of any human being, except in vaults in the legally established cemeteries, and at least three hundred feet inside the boundary lines thereof, at a depth of less than four feet below the surface of the ground, under the penalty of one hundred dollars; and of the like sum for every week such body shall remain buried less than four feet below the surface of the ground. Bodies to be buried four feet.

Re-interments prohibited.

§ 6. No re-interment of the dead body of any human being shall take place without the permit of the health officer for that purpose, under the penalty of one hundred dollars, to be paid by any one directing the same or permitting or assisting thereat; provided that nothing herein contained shall prevent the interment in any cemetery without such permit of any dead body temporarily placed in any vault in such cemetery.

Return of persons buried by sextons.

§ 7. Every sexton or person having charge of any vault, burying ground or cemetery, shall on Saturday in each week make and deliver to the health officer a return of the persons buried in said vault, burying ground or cemetery, during the preceding week, and the date of the decease, the sex, age, place of residence at the time of the decease, place of birth, disease of each person so buried, and the name of the person granting the certificate of burial; and any sexton or person having in charge any vault, burying ground or cemetery, who shall neglect to make such returns, shall be liable to a penalty of twenty-five dollars for each offence.

Weekly statement by health officer.

§ 8. The health officer shall publish, under his own name, every week, in the corporation newspapers, the number of deaths occurring in the city of Brooklyn as shown by said returns, together with the sex, age and disease of the person so dead; and shall annually prepare and report to the common council, in the month of January, full statistics of the mortality for the year ending on the 31st of December preceding, and such suggestions in relation thereto, as he may deem proper for the public health.

Annual statement.

Adopted in Common Council, December 26, 1856.

Approved by the mayor, December 31, 1856.

CHAPTER VI.

MISCELLANEOUS ORDINANCES.

ARTICLE I.

AN ORDINANCE REGULATING THE COMPENSATION TO BE PAID TO CITY SURVEYORS IN CERTAIN CASES.

The Common Council of the City of Brooklyn do ordain as follows:

SECTION 1. City surveyors shall be entitled to charge and receive the following fees: Compensation of city surveyors for services in street openings.

(1.) For making an original map for opening a street or avenue, showing the several pieces of land and premises necessary to be taken for the improvement, where the district of assessment does not extend beyond one hundred feet on each side of said street or avenue, three cents per running foot through the centre of said street or avenue; where the district of assessment extends beyond one hundred feet on each side, three cents per running foot through the centre of each intersecting street or avenue beyond the said one hundred feet shall be allowed; and for making duplicates or copies of the above, one-half the above prices shall be allowed for each of said duplicates or copies.

(2.) Whenever any street or avenue shall be regulated and graded, it shall be the duty of the surveyor having charge of said work to set the necessary stakes to determine the height and breadth thereof, and for such service he shall be entitled to charge and receive one and one-half cents per running foot; and when a street or avenue shall be graded and paved, the surveyor shall be entitled to two cents per running foot; and for setting the necessary stakes to determine the height and breadth, the line of the curb and gutter, and the intersections on said street or avenue, In grading and paving streets.

and for a re-survey after completion in either of the foregoing cases, one and one-half cents per running foot.

For making assessment lists.

(3.) For a map and assessment list showing the several pieces or parcels of land to be assessed, one and one-half cents per running foot, all measured through the centre; and for a copy of an assessment map and assessment list, three-quarters of a cent per running foot.

For setting and resetting monuments.

(4.) For re-setting a monument, and recording the same in the book kept for that purpose in the street commissioner's office, five dollars; and for setting a new monument seven and a half dollars.

For making profiles.

(5.) For making a profile of any street or avenue, and fixing the grade of the same, one cent per running foot, and when it may be necessary to show more than one line of surface, one cent per running foot for each additional line.

For locating wells,

(6.) For fixing the location of a public well and pump, two dollars and fifty cents.

And public cisterns.

(7.) For fixing the location of a public cistern, five dollars.

For grading and filling up lots.

(8.) For the necessary survey and stakes, for grading, digging down or filling up vacant lots, and making an assessment map and list for the same, two dollars per lot.

In building sewers.

(9.) Whenever a sewer is to be built, the surveyor's fees shall be as follows: for the necessary specifications and calculations for building a sewer, including the working-plan, twenty-five dollars; for profile and grade line of sewer, one cent per running foot; for survey and stakes for sewers and culverts, and re-survey after completion, three cents per running foot; for each receiving basin, three dollars; for an original assessment map and assessment list, with the different prices of property to be assessed, and the dimensions of each piece of property, and the number of superficial feet thereon, one and one-half cents per running foot through the centre of each street on said assessment map; but if the assessment map shall be a copy of

any ward map or maps, (and whenever there is a ward map or maps, the assessment maps shall be copied from the same,) then the price shall be one cent per running foot through the centre of the several streets on said map; which fees shall be in full for all services which may be required to be performed by any surveyor in the construction of any sewer.

Adopted in Common Council, March 23, 1857.

Approved by the mayor, March 28, 1857.

ARTICLE II.

AN ORDINANCE TO FIX AND REGULATE THE DUTIES OF THE CLERKS OF THE POLICE JUSTICE AND JUSTICES OF THE PEACE.

The Mayor and Aldermen of the City of Brooklyn, in Common Council convened, do ordain as follows:

SECTION 1. The following shall be the duties of each of the clerks of the police justice, and justices of the peace:

§ 2. He shall attend daily, except on Sundays and public holidays, for the transaction of business at the office designated by the common council, for the justice of whom he is clerk, from 9 A. M. to 12½ P. M., and from 2 P. M. to 5 P. M. Office hours.

§ 3. He shall carefully file and preserve all papers relating to the official business of the justice, in such manner that reference to them may at all times be easily made. Clerk to file papers.

§ 4. He shall make out, under the direction of the justice, all venires, subpœnas or attachments for witnesses, final committments, recognizances, and records or certificates of conviction, and procure the signature of the justice thereto, and shall deliver the same for execution upon payment To make out process in criminal cases.

of the fees properly chargeable therefor, or cause the same to be filed as required by law.

To keep a police register.

§ 5. He shall keep the following books of records of criminal cases:—

I. A police register, in which he shall enter under their proper dates—

1st. The names of all persons for whose arrest process is issued, or who are brought before the justice without process.

2d. The names of the persons upon whose complaint process is issued, or who appear as complainants against persons arrested without process.

3d. The offence charged.

4th. The officer to whom process is delivered, or by whom the arrest was made.

5th. The judgment of the justice, together with the amount of the fine or costs imposed (if any), and the term and place of imprisonment.

6th. The fact whether the fine or costs (if any) are paid, or the defendant is committed, and the name of the officer by whom he is conveyed to the place of imprisonment.

A register of convictions.

II. A register of convictions, in which he shall enter the statements of all persons convicted before the justice in relation to the matters required by law to be reported by sheriffs of counties to the secretary of state.

To make daily report.

§ 6. He shall make a daily report of all criminal cases finally disposed of before the justice on the preceding day, and of the manner in which they were disposed of, together with the names of the officers by whom the arrests were made, and transmit such report by one of the policemen detailed to attend the court held by said justice, to the chief of police, at his office.

To make out process in civil cases.

§ 7. He shall make out all process and transcripts in civil cases, and procure the signature of the justice there-

to, but he shall not in any case deliver the same until all the fees properly chargeable therefor are fully paid; no execution or transcript shall be delivered until the whole amount of the costs due the city, taxed in the case in which the execution or transcript was issued, shall have been fully paid.

To make out a calendar daily.

§ 8. He shall, on the morning of every day, before the hour for holding court, make out and put up in a conspicuous place in the court room, a calendar of all civil causes to be heard before the justice on that day, designating the hour appointed for hearing the same. He shall tax the costs in all cases after judgment or discontinuance, in books to be kept by him for that purpose.

§ 9. He shall keep the following books of record of civil cases, besides cost books:—

To keep registers of civil process.

I. A register of original process, in which he shall enter, alphabetically arranged, under the names of the plaintiffs:

1st. The date of the issuing of process.
2d. The name of the plaintiff.
3d. The name of the defendant.
4th. The particular kind of process issued.
5th. The day and hour of the return thereof.
6th. The name of the officer to whom the same is delivered for execution.
7th. The amount of the plaintiff's demand.
8th. The amount advanced by the plaintiff for costs, exclusive of officer's costs.
9th. The date of service as appears by the officer's return.

II. A register of mesne civil process, in which he shall enter according to their proper dates, and alphabetically arranged under the names of the plaintiffs, all process

other than original or final, and all subpœnas issued in criminal cases on behalf of defendants, together with the fees received therefor.

A register of judgments.

III. A register of judgments and final civil process, in which he shall enter, alphabetically arranged under the names of the plaintiffs, all judgments rendered by the justice, except judgments of discontinuance, without costs, in manner following:

1st. The date of the judgment.

2d. The name of the plaintiff.

3d. The name of the defendant.

4th. The amount of the judgment, specifying the damages and costs.

5th. The issuing of execution or of a transcript, with the date thereof, and the name of the officer to whom the execution or person to whom the transcript is delivered.

6th. The date of the return of the execution, with a minute of the return.

7th. The issuing, delivery and return of every subsequent execution as above provided.

A book of costs.

IV. A book of taxed costs, in which he shall enter according to their proper dates, and alphabetically arranged under the names of the plaintiffs, the titles of all causes in which the costs have been taxed; the amounts at which the court costs were taxed therein; the amounts advanced or paid by the plaintiffs during the progress of the action or after judgment, and the balances due the city therein.

A cash book.

V. A cash book, in which he shall enter all moneys received by him for fees and costs in all cases, both civil and criminal, with the dates of their receipt and the titles of the actions in which they were received.

To render an account of fees.

§ 10. He shall render at the first regular meeting of the common council in every month, an account in detail

of all fees received by him, in all cases, civil or criminal, and of all balances of taxed costs in civil actions remaining unpaid, which account shall be verified by his oath; and he shall forthwith pay over to the treasurer the amount of fees so received.

§ 11. The treasurer of the city is hereby designated as the officer to whom each of the said justices is to pay over monthly, the fines, fees, penalties and moneys collected and received by him, by virtue of his office, as required by law. To pay same to city treasurer.

Adopted in Common Council, May 9th, 1853.

Approved by the mayor, May 12th, 1853.

ARTICLE III.

A LAW IN RELATION TO DOMESTIC ANIMALS DYING FROM ACCIDENT OR DISEASE IN THE CITY OF BROOKLYN.

The Mayor and Aldermen of the City of Brooklyn, in Common Council convened, do ordain as follows:

SECTION 1. Whenever any domestic animal shall die within the city of Brooklyn from accident or disease, it shall be the duty of the occupant of the premises upon which such animal shall die, or any servant or agent of such occupant, within twelve hours after the death of such animal, to give notice of such death at the police station house, in the district, to the captain or assistant captain, in which such animal shall die, under a penalty of twenty-five dollars for each and every offence. Notice of death of animals to be given to police.

§ 2. It shall not be lawful for any person within the city of Brooklyn, except by the written permission of the mayor first had and obtained, to skin or bury any domestic animal which shall die in the city of Brooklyn, from accident or disease, or cast or throw the same into any public Dead animals not to be skinned or buried in the city, or thrown into the river.

street or place in the said city, or into any of the creeks, stagnant pools, or into the East river, under a penalty of one hundred dollars for each and every offence.*

Not to be carried except in licensed carts.

§ 3. No person shall carry or transport any dead domestic animal in the city of Brooklyn without permission in writing from the mayor, except in carts or other vehicles specially licensed for that purpose, under a penalty of fifty dollars for each and every offence.

Duties of contractor.

§ 4. It shall be the duty of the contractor for the removing of dead animals and offals in the city of Brooklyn, between the first day of May and the first day of November in each year during the continuance of his contract, to cause a suitable and proper person to call at each and every station house in the city of Brooklyn, at least twice in each day, for the purpose of ascertaining whether any animals which have died from disease or accident in the city of Brooklyn, have been reported at such station house: the first call to be made during said period, previous to twelve o'clock on each and every day; the second call to be made between the hours of two and seven o'clock in the afternoon, on each and every day during said term, under a penalty of twenty-five dollars for each and every offence.

Duties of policemen.

§ 5. It shall be the duty of every policeman in the city of Brooklyn to apprehend and report to the attorney of the city all persons offending against the preceding ordinance.

Adopted in Common Council, June 16, 1856.

Approved by the mayor, June 21st, 1856.

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* As amended.

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